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No. 48] NEW DELHI, SATURDAY, NOVEMBER 26, 1988/AGRAHAYANA 5, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि एवं न्याय मंत्रालय

(विधि कार्य विभाग)

सूचना

नई दिल्ली, 3 नवम्बर, 1988

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICE

New Delhi, the 3rd November, 1988

का. आ. 3467:—नोटरीय नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के. वेंकटेशन, अधिवक्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अंतर्गत एक आवेदन इस बात के लिए दिया है कि उसे बैंगलोर, उत्तर आर्कोट डिस्ट्रिक्ट तमिलनाडु में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[स. 5 (34)/88-न्याया
के. डी. सिंह, सक्षम प्राधिकारी]

S.O. 3467.—Notice is hereby give by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by K. Venkatesan, Advocate for appointment as a Notary to practise in North Arcot Distt. Tamil Nadu.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(34)/88-Ludl]

K. D. SINGH, Competent Authority

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 7 नवम्बर, 1988

का. आ. 3468:—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एन. श्री

निवास रेड्डी, अधिवक्ता, को बंगलूर के परीक्षण, अपील और पुनरीक्षण के न्यायालयों में श्री बी. एन. मूर्ति, पूर्ववर्ती ज्येष्ठ प्रबन्धक, कैनरा बैंक, फ्रेजर टाउन, बंगलूर (अब प्रभागीय प्रबन्धक, सर्विस कार्यालय, कैनरा बैंक, नई दिल्ली) के विरुद्ध दिल्ली विशेष पुलिस स्थापना के मामला संख्या आर.सी. 2/85-ए.सी.यू.-1 के विचारण के संचालन के अयोजन के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/4/88-ए.वी.डी.-II]

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 7th November, 1988

S.O. 3468.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri L. Srinivasa Reddy, Advocate, as Special Public Prosecutor for the purpose of conducting the trial of the Delhi Special Police Establishment case No. RC 2/85-ACU. I, against Shri B. N. Murthy, formerly Senior Manager, Canara Bank, Frazer Town, Bangalore (now Divisional Manager Circle Office, Canara Bank, New Delhi), in the trial, Appellate and Revisional Courts in Bangalore.

[No. 225/4/88-AVD.II]

का.आ. 3469:—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय अन्वेषण ब्यूरो निम्नलिखित अधियोजन अधिकारियों को विचारण न्यायालयों में और भारत के किसी राज्य या संघ राज्य क्षेत्र में विधि द्वारा स्थापित, ऐसे पुनरीक्षण या अपील न्यायालयों में, जिनको पूर्वोक्त धारा के उपबंध लागू होते हैं, इन मामलों से उत्पन्न अपीलों, पुनरीक्षणों या अन्य विषयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों का संचालन करने के लिए विशेष पुलिस अभियोजक नियुक्त करती है :—

सर्वश्री

1. के. जनार्दन
2. बी. शिवारामा गोडा
3. बी.के. शर्मा
4. वीरेन्द्र कुमार
5. हमीद अहमद
6. ठाकुरी
7. शेखर चक्रवर्ती
8. के.के. लेनिन

[संख्या 225/15/88-ए.वी.डी.-II]

जी. सीतारामन, अवर सचिव

S.O. 3469.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints

the following Prosecuting Officers of Central Bureau of Investigation as Special Public Prosecutors for conducting cases instituted by the Delhi Special Police Establishment in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate courts, established by law in any State or Union Territory of India to which the provisions of the aforesaid section apply.

1. Shri K. Janardhan
2. Shri B. Sivarama Gowda
3. Shri V. K. Sharma
4. Shri Virendra Kumar
5. Shri Hameed Ahmed
6. Shri Thakuri
7. Shri Sekhar Chakraborty
8. Shri K. K. Lenin.

[No. 225/15/88-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 नवम्बर, 1988

का.आ. 3470:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 की धारा 3 की उपधारा (ज) के अनुसरण में केन्द्रीय सरकार, एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के संयुक्त सचिव, श्री मनीश चन्द्र सत्यावादी को दिनांक 13-9-88 से निम्न लिखित बैंकों का पुनः निदेशक नियुक्त करती है :—(1) बैंक आफ इंडिया (2) कैनरा बैंक।

[एफ. संख्या 9/11/88-बी.ओ.-I]

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 7th November, 1988

S. O. 3470.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government hereby re-appoints Shri M. C. Satyawadi, Joint Secretary, Ministry of Finance, Deptt. of Economic Affairs, (Banking Division), New Delhi as a Director of the following banks w.e.f. 13-9-1988:—

- (i) Bank of India; and
- (ii) Canara Bank.

[F.No. 9/11/88-B.O.I.]

नई दिल्ली, 11 नवम्बर, 1988

का.आ. 3471:—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उप खण्ड (ज) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी

का. आ. 3471.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खंड 3 के उप खंड (ज) के अनुसरण में केन्द्रीय सरकार, एतद्वारा नीचे दी गयी सारणी के कॉलम (2) में निविष्ट व्यक्तियों के स्थान पर कॉलम (1) में निविष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है :—

सारणी

1	2	3
केनरा बैंक	श्री पी. के. पार्थसारथी, मुख्य अधिकारी, आरपीसीडी, केन्द्रीय कार्यालय, भारतीय रिजर्व बैंक, बम्बई	श्री जे. पी. अवस्थी
बैंक आफ इंडिया	कु. आई. टी. वाज, प्रबंधक, भारतीय रिजर्व बैंक, अहमदाबाद	श्री के. पी. कुल- कर्णी
बैंक ऑफ बड़ोदा	कु. वी. विश्व नाथन, प्रबंधक, भारतीय रिजर्व बैंक, मद्रास	श्री आर. के. चौधरी
पंजाब नेशनल बैंक	श्री के. पी. कुलकर्णी, प्रधानाचार्य, बैंकर ट्रेनिंग कालेज, बम्बई	कु. आई. टी. वाज
सिडिकेट बैंक	श्री आर. के. चौधरी, मुख्य अधिकारी, पी. पी. डी. केन्द्रीय कार्यालय, भारतीय रिजर्व बैंक, बम्बई	श्री पी. के. पार्था- सारथी

[संख्या 9/8/88-बी.ओ.-I]

एम.एस. सीतारामन, अवसर सचिव

New Delhi, the 11th November, 1988

S. O. 3471.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provision) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table:

TABLE

(1)	(2)	(3)
Canara Bank	Shri P.K. Parthasarathy, Chief Officer, RPCD, Central Office, Reserve Bank of India, Bombay.	Shri J.P. Awasthi.

1	2	3
Bank of India	Kum. I.T. Vaz, Manager, Reserve Bank of India, Ahmedabad.	Shri K.P. Kulkarni
Bank of Baroda	Kum.V. Viswanathan Manager, Reserve Bank of India, Madras	Shri R.K. Chaud- hury.
Punjab National Bank	Shri K.P. Kulkarni, Principal, Bankers Training College, Bombay.	Kum. I.T. Vaz.
Syndicate Bank	Shri R.K. Chaud- hury, Chief Officer, PPD, Central Office, Reserve Bank of India, Bombay.	Shri. P.K. Partha- sarathy.

[No. 9/8/88-BO. I]

M.S. SEETHARAMAN, Under Secy.

नई दिल्ली, 8 नवम्बर, 1988

का. आ. 3472:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध घंटाघर चांदनी चौक और नई सड़क, दिल्ली-6 के कोने पर स्थित नगर पालिका सं. 5483 से 5494/1 तक 3-1/2 मंजिला इमारत की अचल सम्पत्ति के संबंध में 9 जुलाई, 1991 तक पंजाब कोओपरेटिव बैंक लि. दिल्ली पर लागू नहीं होंगे।

[सं. 15/12/88-बी.ओ.-III]

प्राणनाथ, अवसर सचिव

New Delhi, the 8th November, 1988

S.O. 3472.—In exercising of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to Punjab Co-operative Bank Ltd., Delhi till 9th July 1991 in respect of the immovable property consisting of a 3-1/2 storeyed building bearing Municipal No. 5483 to 5494/1 and situated at the corner of Ghantaghar, Chandni Chowk, and Nai Sarak Delhi-6.

[No. 15/12/88-B.O.-III]

PRAN NATH, Under Secy.

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 26 नवम्बर, 1988

का.आ.3473. :—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना समीचीन है कि इस आदेश के उपाबंध-I में उल्लिखित रबड़ के नमूनाल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 2 के उपनियम (2) की अपेक्षानुसार भारतीय निर्यात निरीक्षण परिषद् को भेज दिया है ;

अतः, अब, केन्द्रीय सरकार, उक्त उपनियम के अनुसरण में भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 1004 तारीख 23 मार्च, 1987 को अधिक्रान्त करते हुए, सिवाय उन बातों के संबंध में, जिन्हें ऐसे अधि-क्रमण से पूर्व किया गया है या जिन्हें करने में बोध किया गया है, उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्थापनाओं के बारे में कोई आक्षेप या सुझाव भेजना चाहता है तो वह उन्हें राजपत्र में इस आदेश के प्रकाशन की तारीख से पैंतालीस दिन के भीतर निर्यात निरीक्षण परिषद्, प्रगति टावर (11वीं मंजिल), 26, राजेन्द्र प्लेस, नयी दिल्ली-110008 को भेज सकता है।

[फा.सं. 6(2)/88-ई आई एण्ड ई पी]

आदेश से,

एन.एस. हरीहरन, निदेशक

प्रस्ताव

(1) यह अधिसूचित करना कि रबड़ के नमूनाल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे ;

(2) इस आदेश के उपाबंध में दिए गए रबड़ के नमूनालों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1988 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार का क्वालिटी नियंत्रण और निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना जो निर्यात के पूर्व ऐसे रबड़ के नमूनालों को लागू होगा ;

(3) ऐसे रबड़ के नमूनालों के लिए मानक विनिर्देशों के रूप में की मान्यता देना।

(i) राष्ट्रीय या अंतरराष्ट्रीय मानकों,

(ii) इस आदेश के उपाबंध-II और उपाबंध-III में दिए गए न्यूनतम विनिर्देशों के अधीन रहते हुए संविदात्मक विनिर्देशों,

(iii) निर्यात निरीक्षण परिषद् द्वारा मान्यताप्राप्त अन्य निकायों के मानकों,

(iv) अंतरराष्ट्रीय व्यापार के दौरान, ऐसे रबड़ के नमूनालों के निर्यात को जब तक प्रतिषिद्ध करना जब तक कि उसके प्रत्येक परीक्षण के साथ उक्त अधिनियम की धारा 7 के अधीन या मान्यताप्राप्त स्थापित अभिकरणों में से किसी एक द्वारा निर्यात के लिए जारी निरीक्षण प्रमाणपत्र न हो।

3. इस आदेश की कोई भी बात शावी क्रेताओं को भू-मार्ग, जल मार्ग या वायु मार्ग द्वारा रबड़ के नमूनाल के वास्तविक व्यापार नमूनों के निर्यात को लागू नहीं होगी, परंतु प्रत्येक डिजाइन या किस्म के नमूनों की संख्या तीन से अधिक न हो या उनका मूल्य 500/- रुपए से अधिक न हो।

4. इस आदेश में "रबड़ नमूनालों" से इस आदेश के उपाबंध-I में उल्लिखित रबड़ नमूनाल अभिप्रेत है जो वल्कलित रबड़ से बने हैं और बुने हुए फैब्रिक या कपास की डोरी, स्टेनलेस स्टील, संश्लिष्ट धागा तथा रबड़ की अस्तरण पर बुनाई के साथ प्रबलता है और जो कम या उच्च दाब के अधीन सभी प्रकार के द्रवों के निस्सारण या चूषण प्रयोजनों के लिए प्रयुक्त किए जाते हैं।

उपाबंध-I

1. जल प्रदाय नमूनाल,
2. जल चूषण नमूनाल,
3. वायु नमूनाल,
4. तेल प्रतिरोधी नमूनाल,
5. झलाई नमूनाल,
6. छिड़काव नमूनाल,
7. रेडिएटर नमूनाल,
8. रसायनिक नमूनाल,
9. भाप नमूनाल,
10. रेत प्रसंजन नमूनाल,
11. स्वचालित द्रवचालित ब्रेक नमूनाल,
12. अग्निशमन नमूनाल,
13. सीमेंट अभिपूरण नमूनाल,
14. गर्म जल नमूनाल,
15. वायुयान ईंधन रबड़ नमूनाल,
16. द्रवित पेट्रोलियम गैस नमूनाल,
17. रेल निर्यात ब्रेक नमूनाल,
18. रेल जल भरण नमूनाल,।

उपाबंध-II

रबड़ के नम्यनालों के लिए विनिर्देश :

1. जल प्रदाय नम्यनाल,
भा.मा. : 444-1980 जल प्रदाय रबड़ नम्यनाल ।
2. जल चूषण नम्यनाल :
क. भा.मा. : 2482-1963 रबड़ के जल चूषण नम्यनाल—हल्की क्षमता वाले ।
ख. भा.मा. : 3549-1963 रबड़ के जल चूषण तथा जल निस्सारण नम्यनाल भारी क्षमता वाले
3. वायु नम्यनाल :
भा.मा. : 446-1980 रबड़ वायु नम्यनाल ।
4. तेल प्रतिरोधी नम्यनाल :
क. भा.मा. : 635-1962 रबड़ के तेल तथा विनाशक प्रतिरोधी नम्यनाल ।
ख. भा.मा. : 2396-1981 रबड़ के ईंधन प्रदाय नम्यनाल,
ग. भा.मा. : 8189-1976 तेल चूषण तथा निस्सारण सेवा रबड़ नम्यनाल
घ. भा.मा. : 10733-1983 पेट्रोलियम उत्पाद प्रतिरोधी विद्युत शक्ति युक्त सड़क और रेल ट्रैक रबड़ नम्यनाल,
5. झलाई नम्यनाल :
भा.मा. : 447-1980 झलाई के लिए रबड़ के नम्यनाल
6. छिड़काव नम्यनाल :
भा.मा. : 1677-1978 गुथे हुए कपड़े के प्रबलन सहित रबड़ के कृषि छिड़काव नम्यनाल,
7. रेडिएटर नम्यनाल :
भा.मा. : 2765-1982 रेडिएटर नम्यनाल ।
8. रासायनिक नम्यनाल :
भा.मा. : 7634-1975 रसायनों के लिए नम्यनाल ।
9. स्टीम के लिए नम्यनाल :
भा.मा. : 10655-1983 स्टीम के लिए नम्यनाल,
10. बालू प्रयोजन नम्यनाल :
भा.मा. : 5894-1980 बालू प्रयोजन रबड़ नम्यनाल,
11. स्वचालित द्रवचालित ब्रेक नम्यनाल :
भा.मा. : 7079-1979 स्वचालित द्रवचालित ब्रेक नम्यनाल,
12. अग्नि शमन नम्यनाल :
क. भा.मा. : 2410-1963 अग्नि सेवाओं के लिए रबड़ के चूषण नम्यनाल ।

ख. भा.मा. : 5132-1969 अग्नि सेवाओं के लिए नम्यनाल रील ट्यूब ।

ग. भा.मा. : 636-1979 अग्नि शमन नम्यनाल

13. सीमेंट अभिपूरण नम्यनाल :

भा.मा. : 5137-1982 सीमेंट अभिपूरण के लिए रबड़ नम्यनाल ।

14. गर्म जल नम्यनाल :

भा.मा. : 5821-1979 गर्म जल के रबड़ नम्यनाल,

15. वायुयान ईंधन के लिए रबड़ नम्यनाल :

भा.मा. : 5799-1982 विद्युत शक्ति युक्त यान ईंधन के लिए रबड़ नम्यनाल ।

16. द्रावित पेट्रोलियम गैस नम्यनाल :

भा.मा. : 9573-1980 द्रावित पेट्रोलियम गैस के लिए रबड़ नम्यनाल ।

उपाबंध-III

“क” रेल निर्वात ब्रेक नम्यनाल का विनिर्देश :

1. संनिर्माण:—नम्यनाल का निम्नलिखित से निर्माण किया जाएगा :

1.1 रबड़ का अस्तरण:—रबड़ का अस्तरण मोटाई में एक समान, संकेन्द्रित तथा वायु फफोलों संरधता दराओं तथा अन्य सतही दोषों से मुक्त होगी ।

1.2 प्रबलीकरण:—प्रबलीकरण इस्पात के तार क्रोड सहित केन्वस के साथ होगा । समिल कुण्डली जस्ती इस्पात के कठोर तार की, जो वर्गाकार में परिर्जाजित और जिसके सिरे संलग्न तार से सोल्डर तथा जिसकी अन्तिम तनन प्रबलता 55 कि. ग्रा./सं. मो. 2 कम नहीं बनी होगी ।

1.3 रबड़ के आच्छाद:—रबड़ के आच्छाद एक समान तथा वायु फफोलों, संरधता तथा सतही दोषों से मुक्त होंगे । आच्छाद की कपड़ा चिन्हित परिसरजा की जाएगी और संपूर्ण को लोटकर समेकित तथा एकसार वत्कनित किया जाएगा ।

2. अपेक्षाएं:—रबड़ के नम्यनाल निम्नलिखित अपेक्षाओं के अनुरूप होंगे:—

2.1 बिभाएं तथा सह्यताएं

2.1.1 लम्बाई:—नम्यनालों की लम्बाई क्रेता द्वारा विनिर्दिष्ट के अनुसार होगी तथा किसी भी नम्यनाल की लम्बाई पर सह्यता—प्रतिशत होगी ।

2.1.2 आंतरिक व्यास:—नम्यनाल का आंतरिक व्यास क्रेता द्वारा विनिर्दिष्ट के अनुसार होगा ।

2.1.3 परिसज्जित नम्यनाल पर भौतिक परीक्षणों की अपेक्षाएं:—नम्यनाल के अस्तरण तथा आच्छाद के लिए प्रयुक्त रबड़ की तनन सामर्थ्य और टूटन का दीर्घीकरण निम्नानुसार होंगे:—

लक्षण	निम्नलिखित के लिए	
	अपेक्षाएं	
	अस्तरण	आच्छाद
(क) तनन सामर्थ्य एमपी ए न्यूनतम	4.0	4.0 न्यूनतम
(ख) टूटन पर दीर्घीकरण प्रति-शत न्यूनतम	200	200

टिप्पण: एमपी ए— 10.2 कि.ग्रा. एफ/सें. मी. ²

2.1.4 त्वरित अवस्था परीक्षण:—72 घंटों की अवधि के लिए $70 \pm 1^\circ$ से. ग्रे. पर काल प्रभावन के पश्चात् नम्यनाल के अस्तरण तथा आच्छाद के लिए प्रयुक्त रबड़ काल-प्रभावन से पहले प्राप्त तनन सामर्थ्य और तत्संबंधी मूल्य का टूटन पर दीर्घीकरण के लिए ± 10 प्रतिशत से अधिक भिन्न नहीं होगा।

2.2 भौतिक परीक्षण:—नम्यनाल को मोड़ना तार क्रोड के विस्थापन या केन्वस के अस्तरण के फटने के बिना निम्नांकित डिग्रियों तक हाथों से मोड़ा जाएगा। मोड़ना एक बार एक दिशा में और फिर विपरीत दिशा में किया जाना चाहिए।

(क) 685×51 मि. मी. तब तक मोड़ना जब तक कि सिरे छू न जाएं।

(ख) 560×51 मि. मी. तब तक मोड़ना जब तक कि सिरे 102 मि.मी. दूर हों।

(ग) 455×51 मि. मी. तब तक मोड़ना जब तक कि सिरे सामान्तर न हों।

2.3 निर्वात रखने की क्षमता का परीक्षण:—नम्यनाल 600 मि.मी. व्यास वाले बेलनाकार टोंटी से जुड़ा होगा और जो किसी बेलनाकार प्लग के साथ मुक्त सिरा बंद किए जाने से 1640 घन सें. मीटर परिमाण के कक्ष के लिए लम्बाई में कम से कम 44 मि.मी. से कम नहीं होंगे जो टोंटी के साथ बाह्य दिशाओं में समरूप तथा पूरे समंजन में 508 मि.मी. का निर्वातन चेम्बर गेज पर एक घंटे में 76 मि.मी. से अधिक बूंदे अभिलेखित निर्वातन की स्त्रोत से अवरोध नहीं होगा। नम्यनाल स्थिर नहीं किया जाएगा अथवा इस परीक्षण के लिए चेम्बर टोंटी या प्लग के साथ बंधा नहीं होगा।

2.4 संकुचन परीक्षण:—जब नम्यनाल 508 मि.मी. निर्वातन के अधीन हों, तब वे अपनी मूल लम्बाई के, जब वे स्थिर दशा में हों 5 प्रतिशत से अधिक संकुचित नहीं होगा।

“ख” रेल जल भरण नम्यनालों के लिए विनिर्देश:

1. संनिर्माण

1.1 अस्तरण:—अस्तरण, मोटाई में एक समान फफोलों संरक्षता से मुक्त उपयुक्त रबड़ संमिश्रण से बना होगा।

1.2 प्रबलीकरण:—प्रबलीकरण, क्रेता की अपेक्षाओं के अनुसार पेंचदार संनिर्माण के साथ बुने हुए फैब्रिक या धागे, गंथा हुआ कपड़ा प्रबलीकरण द्वारा संनिर्माण किया जाएगा

1.3 आच्छाद:—मुड़े हुए नम्यनालों के आच्छाद जसा अपेक्षित हो चिकने या मुरली की तरह होंगे। मैडुलों पर विनिर्माण नम्यनाल पर कपड़ा चिन्हित परिसज्जा लगी होगी। संपूर्ण को समेकित तथा एकसार बलकनित किया जाएगा।

2. अपेक्षाएं:—जल भरण नम्यनाल नीचे विनिर्दिष्ट अपेक्षाओं के अनुरूप होंगे:—

2.1 विमाएं और सह्यताएं:—

2.1.1 आंतरिक व्यास:—नम्यनाल का आंतरिक व्यास, क्रेता द्वारा विनिर्दिष्ट किए गए अनुसार होगा।

2.1.2 लम्बाई:—नम्यनाल की लम्बाई क्रेता द्वारा विनिर्दिष्ट के अनुसार होगी और जो ± 1 प्रतिशत या ± 3 मि.मी. की जो भी अधिक हो, विनिर्दिष्ट लम्बाई पर सह्यताओं के अधीन होगी।

2.2 आसंजन:—आसंजन इस प्रकार का होगा कि (i) फैब्रिक और फैब्रिक, (ii) फैब्रिक और आच्छादन के बीच पृथक्करण 3.6 कि.ग्राम भार के अधीन 25 मि. मीटर प्रति मिनट से अधिक नहीं होगा।

2.3 मोड़ने का परीक्षण:—नम्यनाल का तार क्रोड के विस्थापन या केन्वस की आच्छादन को नुकसान के बिना निम्नलिखित अंकित डिग्रियों के अधीन हाथों से मोड़ा जाएगा 635 मि.मी. \times 51 मि.मी. जब तक कि सिरे सामानांतर न हों।

प्रणाली:—परीक्षण टुकड़ा साधियों से जोड़ा जाएगा और 22 मि.मी. तक के अभिहित नली नम्यनालों के मामले में उन्हें 180° में मोड़ा जाएगा ताकि फिटिंग समानांतर हों और फिटिंग पर नम्यनालों के दोनों सिरों के बीच की दूरी न्यूनतम + अर्धव्यास ± 5 प्रतिशत से दुर्गुनी हो।

22 मि.मी. अभिहित नली से ऊपर का नम्यनाल सीधी हालत में छोड़ दिया जाएगा।

2.4 हाइड्रोलिक परीक्षण:—नम्यनाल बिना कोई रिसाव और फटन दर्शित किए बिना 5 मिनट तक 7 कि.ग्राम/सें. मी. ² आंतरिक जल दाब परीक्षण के अधीन होंगे।

नियमित (क्वालिटी नियंत्रण और निरीक्षण) अभिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का आख्य ।

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम रबड़ नम्यताल, नियमित (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1988 है ।

(2) वे राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएं:—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हों,

(क) "अभिनियम" से नियमित (क्वालिटी नियंत्रण और निरीक्षण) अभिनियम, 1963 (1963 का 22) अभिप्रेत है ;

(ख) "अभिकरण" से प्रसंस्करणगत क्वालिटी नियमित के अन्तर्गत प्रमाणीकरण के लिए अधिनियमित की धारा 7 के अंतर्गत स्थापित और परेषण वार निरीक्षण के लिए स्थापित/मान्यता प्राप्त नियमित निरीक्षण अभिकरणों में से कोई अभिकरण अभिप्रेत है ;

(ग) "अनुमोदित यूनिट" से ऐसी विनिर्दिष्ट यूनिट अभिप्रेत है जो अभिकरण द्वारा अनुमोदित है जिसने प्रसंस्करण में क्वालिटी नियंत्रण की अपेक्षाओं का समाधानप्रद रूप में पालन किया है,

(घ) "परेषणवार निरीक्षण" से परिषद् द्वारा अधिकृत रीति में अभिकरण द्वारा निरीक्षणों और परीक्षण से ऐसी अवधारण प्रक्रिया अभिप्रेत है; कि क्या नियमित के लिए आशयित रबड़ के नम्यतालों का परेषण मानक विनिर्देशों के अनुरूप है, या नहीं ।

(ङ) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित नियमित निरीक्षण परिषद् अभिप्रेत है ;

(च) "प्रसंस्करणगत" क्वालिटी नियंत्रण" जिसे इसमें इसके पश्चात् प्र. क्वा. नियं. कहा गया है) से क्वालिटी की वह प्रणाली अभिप्रेत है जिसके द्वारा विनिर्माण यूनिट यह सुनिश्चित करती है कि रबड़ के नम्यतालों का विनिर्माण, परिषद् द्वारा अधिकृत रीति में सामग्री और मंचकों के क्रय करने, उनके विनिर्माण, निरीक्षण, परिवहन और पैकिंग के भिन्न-भिन्न प्रक्रमों पर नियंत्रणों का प्रयोग करके मानक विनिर्देशों के अनुरूप किया जाता है ;

(छ) "कालिक संदर्भ" से ऐसा संदर्भ अभिप्रेत है जो अभिकरण के अधिकारी(यों) द्वारा यूनिट में प्र. क्वा. नियं. की अपेक्षाओं का आसपास

सुनिश्चित करने के लिए, नियमित अंतरालों पर अनुमोदित यूनिट में किया जाता है ।

(ज) "रबड़ नम्यतालों" से इस परिचयना के अन्तर्गत वे अधिनियमित कोई भी रबड़ नम्यताल अभिप्रेत है । एल्कमीकृत रबड़ से बने हुए फेब्रिक या गुंथी हुई रूई, स्टेम्लस स्टील, संश्लिष्ट सूत के साथ प्रवर्तीकृत और रबड़ की अवधारण के ऊपर युती हुई है और जो उच्च या कम दबाव के अधीन सभी प्रकार के तरलों के विस्तारण या घुलन के प्रयोजनों के लिए प्रयोग की जाती है, और

(झ) "स्थल पर जांच" से अभिकरण द्वारा नियमित परेषण का ऐसा निरीक्षण अभिप्रेत है, जिससे परिषद् द्वारा अधिकृत रीति में मानक विनिर्देशों से उसकी अनुकूलता सुनिश्चित की जाती है ।

3. निरीक्षण का आशय:—नियमित के लिए आशयित रबड़ नम्यतालों का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप हैं ;

या तो

(1) यह सुनिश्चित करने हुए कि उत्पाद, प्रसंस्करणगत आधुनिक क्वालिटी नियंत्रण तथा कि निरीक्षण की प्रसंस्करण में क्वालिटी नियंत्रण प्रणाली के अंतर्गत माने वाली यूनिटों के संबंध में इस अधिनियम के परिशिष्ट-क में विनिर्दिष्ट है, का प्रयोग करते हुए विनिर्माण किया गया है ;

या

(2) परेषणवार निरीक्षण प्रणाली के अंतर्गत आने वाली यूनिटों के संबंध में इस नियमों के परिशिष्ट-च में विनिर्दिष्ट रीति से किए गए निरीक्षण और परीक्षण के आधार पर ।

4. निरीक्षण की प्रक्रिया:—(1) रबड़ नम्यतालों के परेषण का नियमित करने का उद्देश्य नियमितकर्ता, नियमित संविदा या आदेश की एक प्रति के साथ संबिदात्मक विनिर्देशों का ब्यौरा देते हुए, अभिकरण को लिखित रूप में एक सूचना देना ताकि अभिकरण नियम 3 के उपबंधों के अनुसार निरीक्षण करने में समर्थ हो सके ।

(2) परिशिष्ट-क में अधिकृत प्रसंस्करणगत पंजीकृत क्वालिटी नियंत्रण का प्रयोग करते हुए तथा इस प्रयोजन के लिए परिषद् द्वारा गठित विशेषज्ञों के पैनल द्वारा प्रसंस्करणगत पंजीकृत क्वालिटी नियंत्रण द्रव्यों के रखने वाले विनिर्माण यूनिट द्वारा विनिर्मित रबड़ नम्यतालों का नियमित करने

के लिए निर्यातकर्ता उपनियम (1) में उल्लिखित सूचना के साथ एक घोषणा भी देगा कि निर्यात के लिए आशयित रबड़ नम्यताओं का परेषण, परिशिष्ट-क में अधिकथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग करते हुए विनिर्मित किया गया है और यह कि परेषण इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है।

- (3) निर्यातकर्ता अभिकरण को निर्यात किए जाने वाले परेषण पर लगाए जाने वाले पहचान चिह्न देगा।
- (4) उपर्युक्त उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिसर से परेषण भेजे जाने से कम से कम सात दिन पूर्व दी जाएगी, किन्तु उपनियम (2) के अधीन घोषणा के साथ सूचना के मामले में विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम तीन दिन पूर्व दी जाएगी।
- (5) उपनियम (1) के अधीन सूचना और उपनियम (2) के अधीन घोषणा यदि कोई हो, के प्राप्त होने पर, अभिकरण—

क. (i) विनिर्माण प्रसंस्करण के दौरान अपना यह समाधान कर लेने पर कि विनिर्माता ने परिशिष्ट-क में अधिकथित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया था और इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप उत्पादन का विनिर्माण करने के संबंध में परिष्कृत या अभिकरण द्वारा जारी किए गए निर्देशों, यदि कोई हो पालन किया है, तीन दिन के भीतर रबड़ नम्यताओं के परेषण को निर्यात योग्य घोषित करने हुए प्रमाण पत्र जारी करेगा।

(ii) ऐसी दशा में जहां विनिर्माता, निर्यातकर्ता नहीं है किन्तु परेषण का भौतिक सत्यापन किया जाएगा और ऐसा सत्यापन तथा निरीक्षण यदि आवश्यक हो, अभिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपर्युक्त शर्तों का पालन किया गया है।

(iii) अभिकरण, निर्यात के लिए आशयित कुछ परेषणों की स्थल पर जांच करेगा और यूनिट द्वारा अपनाए गए प्रसंस्करणगत क्वालिटी नियंत्रण ढिलों की पर्याप्तता को बनाए रखने को सत्यापित करने के लिए नियमित अंतरालों पर विनिर्माण यूनिटों का दौरा करेगा।

(iv) यदि विनिर्माण यूनिट में यह पाया जाता है कि उसमें विनिर्माण के किसी भी प्रक्रम पर आशयित क्वालिटी नियंत्रण को नहीं अपनाया जा रहा है या अभिकरण की सिफारिशों का पालन नहीं किया

गया है तो यह घोषित किया जाएगा कि यूनिट के पास प्रसंस्करणगत पर्याप्त क्वालिटी नियंत्रण ढिलें नहीं हैं और ऐसे मामलों में, यदि यूनिट ऐसी वांछा करे तो प्रसंस्करणगत पर्याप्त क्वालिटी नियंत्रण की व्यवस्था को बनाए रखने के लिए नया आवेदन देगी।

- (ख) ऐसी दशा में जहां निर्यातकर्ता ने नियम 4 के उपनियम (2) के अधीन यह घोषित नहीं किया है कि परिशिष्ट-क में अधिकथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है, अपना यह समाधान कर लेने पर कि रबड़ के नम्यताओं का परेषण इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, परिशिष्ट-ख में अधिकथित के अनुसार किए गए निरीक्षण तथा परीक्षण के आधार पर ऐसा निरीक्षण करने के सात दिनों के भीतर यह घोषणा करते हुए एक प्रमाणपत्र जारी करेगा कि परेषण निर्यात योग्य है।

परन्तु जहां अभिकरण का ऐसा समाधान नहीं होता है वहां उक्त सात दिन/तीन दिन की अवधि के भीतर निर्यातकर्ता को प्रमाणपत्र जारी करने से इंकार कर देगा, और ऐसे इंकार की सूचना उसके कारणों सहित निर्यातकर्ता को देगा।

ग. (1) ऐसी दशा में, जहां विनिर्माता उपनियम (5) (क) के अधीन निर्यातकर्ता नहीं है या परेषण का उपनियम (5) (ख) के अधीन निरीक्षण किया जाता है, वहां अभिकरण निरीक्षण के पूरा होने के तुरन्त पश्चात् परेषण में पैडजों को ऐसी रीति में सीलबंद करेगा जिससे कि यह सुनिश्चित हो जाए कि सीलबंद पैकेजों में रबड़बल न की जा सके।

2) परेषण के अञ्जीकृति की दशा में, यदि निर्यातकर्ता ऐसी वांछा करे तो परेषण अभिकरण द्वारा सीलबंद नहीं किया जाएगा, किन्तु ऐसे मामलों में निर्यातकर्ता अञ्जीकृति के विरुद्ध कोई अपील करने का हकदार नहीं होगा।

5. निरीक्षण का स्तानः—इन नियमों के अधीन प्रत्येक निरीक्षण या तो (क) ऐसे उत्पाद के विनिर्माता के परिसरों पर, या (ख) ऐसे परिसरों पर, जहां निर्यातकर्ता द्वारा निरीक्षण के लिए माल अस्तुत किया जाता है, किया जाएगा, परन्तु यह तब जब कि वहां इस प्रयोजन के लिए पर्याप्त सुविधाएं विद्यमान हैं।

6. निरीक्षण फीसः—निर्यातकर्ता द्वारा अभिकरण को निम्नानुसार फीस दी जाएगीः—

- (1) (क) प्रसंस्करणगत क्वालिटी नियंत्रण स्कीम के अंतर्गत निर्यात के लिए न्यूनतम 20 रु. प्रति

परीक्षण के अधीन रहते हुए, पॉन्गपॉन्ग निशुल्क मूल्य के 0.2 प्रतिशत की दर से,

- (ख) परीक्षण द्वारा निरीक्षण के अधीन निर्यात के लिए न्यूनतम 20/- रु. प्रति परीक्षण के अधीन रहते हुए, पॉन्गपॉन्ग निशुल्क मूल्य के 0.4 प्रतिशत की दर से ।

7. अपील:—

- (1) नियम 4 के उपनियम (5) के अधीन प्रमाण पत्र जारी करने के अधिकार के इंकार में व्यक्ति कोई व्यक्ति, ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा गठित ऐसे विशेषज्ञों के पैनल को अपील कर सकेगा, जिसमें कम से कम तीन तथा अधिक से अधिक सात व्यक्ति होंगे ।
- (2) विशेषज्ञों के पैनल की चुन सस्यता के कम से कम दो—निर्वाह सस्य और सरकारी होंगे ।
- (3) विशेषज्ञों के पैनल की गणपूर्ति तीन से होगी ।
- (4) अपील, उसके प्राप्त होने के पन्द्रह दिनों के भीतर भिपटाई जाएगी ।

परिशिष्ट—क

प्रसंस्करणगत क्वालिटी नियंत्रण :

निर्यात के लिए आशयित रखे के नमूनों का क्वालिटी नियंत्रण हो देखने की दृष्टि से किया जाएगा वे विनिर्माण के विभिन्न चरणों पर निम्नलिखित प्रकरणों का प्रयोग करने हुए अभिलेख की धारा 6 के तिन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों अनुरूप हैं, अर्थात:—

(i) क्रय की गयी सामग्री और संघटकों नियंत्रण :

- (क) प्रयुक्त किए जाने वाले संघटकों की सामग्री के नमूनों को समाविष्ट करने हुए विनिर्माता द्वारा का विनिर्देश अधिकथित किए जायेंगे तथा अने वाले लोर्टों की अनुरूपता सुनिश्चित करने के लिए निरीक्षण या परीक्षण के पर्याप्त साधन होंगे ।

- (ख) स्वीकृत परीक्षणों के साथ, जहां तक संभव हो या तो क्रय विनिर्देशों की अपेक्षाओं को समाविष्ट करने हुए, प्रदायकर्ता का परीक्षण या निरीक्षण प्रमाण पत्र होगा, जिसमें विनिर्माता द्वारा विशेष प्रदायकर्ता के लिए एक आकस्मिक जांच (अर्थात उमी सामग्री के उन्हीं प्रभागों के लिए वर्ष की प्रत्येक तिमाही में एक बार) उपरोक्त निरीक्षण या परीक्षण प्रमाण पत्र को शुद्धता को सत्यापित करने के लिए की जाएगी, या क्रय की गयी सामग्री या संघटकों का विनिर्माण रूप से फैक्टरी की प्रयोगशाला में या किसी

अन्य प्रयोगशाला या परीक्षण सदनों में निरीक्षण या परीक्षण किया जाएगा ;

- (ग) किए जाने वाले निरीक्षण या परीक्षण के लिए नमूना लेना अधिकथित अन्वेषणों पर आधारित होगा ;

- (घ) निरीक्षण या परीक्षण करते के पश्चात स्वीकृत और अस्वीकृत सामग्री या संघटकों के पृथकरण में और स्वीकृत सामग्री या संघटकों का निपटारा करने के लिए व्यवस्था पद्धतियां अपनाई जाएंगी,

- (ङ) उपरोक्त वर्णित नियंत्रणों के मंडप में विनिर्माता द्वारा पर्याप्त अभिलेख विनिर्माण और व्यवस्थित रूप से बनाए रखे जायेंगे ।

(ii) प्रसंस्करणनियंत्रण :

- (क) विनिर्माता द्वारा विनिर्माण के विभिन्न प्रसंस्करणों के लिए व्योरेवार तन्त्रकरण विनिर्देश अधिकथित किए जायेंगे ;

- (ख) प्रसंस्करण विनिर्देशों में अधिकथित के अनुसार प्रसंस्करणों पर नियंत्रण रखने के लिए पर्याप्त उपस्कर कारणास्त्र और सुविधाएं होंगी ;

- (ग) विनिर्माता द्वारा, : विनिर्माण के प्रसंस्करण के दौरान प्रयुक्त नियंत्रणों की संभावना का सत्यापन सुनिश्चित करने के लिए पर्याप्त अभिलेख बनाए रखे जायेंगे ।

(iii) उत्पाद नियंत्रण :

- (क) विनिर्माता के पास अधिनियम की धारा के अधीन मान्यता प्राप्त विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए या तो अपना परीक्षण सुविधाएं होंगी या उसकी पहुंच वहां तक होंगी जहां ऐसी परीक्षण सुविधाएं विद्यमान हों

- (ख) परीक्षण के लिए नमूना लेना (जहां कहीं अपेक्षित हो) (अभिलेखित अन्वेषणों पर आधारित होगा,

- (ग) किए गए परीक्षणों के बारे में विनिर्माता द्वारा पर्याप्त अभिलेख विनिर्माण तथा व्यवस्थित रूप से रखे जायेंगे ।

(iv) परिरक्षण नियंत्रण :

- (क) विनिर्माता द्वारा उत्पाद को मोसमी दवाओं के प्रतिकूल प्रभाव से बचाने के लिए व्योरेवार विनिर्देश अधिकथित किए जायेंगे,

- (ख) उत्पाद, लदान पत्तन के लिए भंडारण तथा अभिवहन दोनों के दौरान पर्याप्त रूप से परिरक्षित किया जाएगा ।

(V) माप संबंधी नियंत्रण :

उत्पादन और निरीक्षण में प्रयुक्त यंत्रों और उपकरणों की कालिक जाँच या उनका अंशबोधन किया जाएगा और विनिर्माता द्वारा अभिलेख बूत कार्ड के रूप में बनाए रखे जाएंगे।

(VI) पैकिंग नियंत्रण

विनिर्माता, निर्धारित किए जाने वाले पैकेजों के लिए ध्योरेवार पैकिंग विनिर्देश अधिकारित करेगा और उनका फोरेस्टा से पालन करेगा। निर्धारित निरीक्षण परिवर्ध द्वारा विहित पैकिंग कोड को ध्यान में रखा जाएगा।

(VII) विश्वस्यता नियंत्रण :

विद्यमान डिजाइन का उपान्तरण करने के लिए उचित शिकायत प्रतियोग्यता प्रणाली लागू की जाएगी। शिकायती और उनकी जाँच पड़ताल के अभिलेख उपयुक्त रूप से बनाए रखे जाएंगे।

परिशिष्ट--ख

परेषणवार निरीक्षण :

1. रबड़ के नम्यनालों का परेषण, अधिनियम की धारा 6 के अधीन मान्यता प्राप्त विनिर्देशों से उसकी अनुकूलता सुनिश्चित करने के लिए निरीक्षण और परीक्षण के अंगीत होगा।

2. नमूना लेना और अनुकूलता के मापदण्ड के संबंध में संविदा में विशिष्ट अनुबंध के अभाव में वे जो इसमें नीचे अधिकारित हैं, निरीक्षण परिवर्ध द्वारा समय-समय पर जारी किए गए किन्हीं उपान्तरणों या संशोधनों को ध्यान में रखते हुए लागू होंगे।

2.1 लॉट : किसी भी परेषण में, एक ही प्रकार/श्रेणी/आकार/व्यास के रबड़ के नम्यनालों की सभी लम्बाइयों आवश्यक रूप से एक जैसी विनिर्माण की अवस्थाओं (जैसे कच्ची सामग्री के एक ही स्रोत/एक ही उत्पादन प्रणाली/एक ही संसाधन प्रक्रिया करने आदि से के अधीन उत्पादित प्लाइयों की एक जैसी संख्या 100 लम्बाइयों या इससे कम के समूहों में पृथक् की जाएगी और ऐसा प्रत्येक समूह एक लॉट का गठन करेगा।

2.2 रबड़ के नम्यनालों पर किसी भी विनिर्देश की अपेक्षाओं के लिए लॉट की अनुरूपता का निर्धारण करने के लिए प्रत्येक लॉट के पृथक्-पृथक् परीक्षण किए जाएंगे। इस प्रयोजन के लिए चयन किए जाने वाले नम्यनालों की लम्बाइयों की संख्या सारणी-I के स्तम्भ 1 और 2 के अनुसार होगी।

2.3 नम्यनालों की लम्बाइयों की अपेक्षित संख्या, लॉट में से लम्बाई के बीच में से सहसा चयन की जाएगी। इस प्रयोजन के लिए बंडलों की उपयुक्त संख्या (नम्यनालों के एक या अधिक लम्बाई सम्मिलित करते हुए) जो लॉट

में बंडलों के 40 प्रतिशत से कम नहीं होगी, पहले चयन की जाएगी और इस प्रकार चयन किए गए बंडलों से प्रत्येक से लम्बाई को बराबर संख्या सहास्यता की जाएगी ताकि सारणी-I के स्तम्भ 2 में दशित लम्बाइयों की वांछित संख्या प्राप्त की जा सके।

सारणी 1 नमूना लेने का मापदण्ड

लॉट आकार (लम्बाइयों में)	नमूना आकार (लम्बाइयों में)	बुटिपूर्ण, लम्बा- इयों में की अनुपेक्ष संख्या
(1)	(2)	(3)
15 तक	सभी	0
16 से 40	15	0
41 से 100	25	1

2.3.1 उदाहरण के लिए, यदि 15 बंडलों में पैक किए हुए कुछ प्रकार के रबड़ के नम्यनालों की 75 लम्बाई में एक लॉट है और जिसमें प्रत्येक में पांच लम्बाई हैं तो 6 बंडलों से कम का चयन नहीं किया जाएगा। आठ बंडलों को खोलने का निश्चित किया जाता है तो शेष बंडल में ऐसे प्रत्येक सात बंडलों में से नम्यनालों की तीन लम्बाइयों सहसा चयन की जाएगी, चार लम्बाइयों चयन की जाएगी जिससे कि सारणी-I में गथा अपेक्षित 25 लम्बाइयों की कुल संख्या दी जा सके।

2.4 अनावश्यक प्रकार के लक्षणों के लिए परीक्षण :

2.4.1 2.3 के अनुसार चयन किए गए नम्यनालों की लम्बाइयों, वायु फोनों, संरचना तथा अन्य कोई बुटियों और संरचनात्मक व्योरो जैसे प्रतीकृत प्लाइयों की संख्याओं का चाक्षुष निरीक्षण किया जाएगा। लम्बाई शान्तिक व्यास, बाह्य व्यास के विमीय मापों के अधीन भी होंगे और लम्बाई, जो नम्यनालों को काटने के लिए अपेक्षित नहीं होती है। एक या एक से अधिक इन लक्षणों के बारे में किसी भी लम्बाई के अवधान पर बुटिपूर्ण पाए जाने पर बुटिपूर्ण लम्बाई समझी जाएगी।

2.4.2 यदि बुटिपूर्ण लम्बाइयों की संख्या सारणी-I के स्तम्भ 3 में दी गयी बुटिपूर्ण नम्यनाली संख्याओं से अधिक नहीं पाई जाती है तो लॉट को इन लक्षणों की अपेक्षाओं के अनुरूप घोषित किया जाएगा। केवल ऐसे लॉटों के लक्षणों के नाशक प्रकार की आगे परीक्षा की जाएगी, जो 2.5 में दिए गए हैं।

2.5 लक्षणों के नाशक प्रकार के लिए परीक्षण :

2.5.1 2.4.2 के अनुसार समाधानप्रद पाए जाने वाले ऐसे प्रत्येक लॉट में से दो रबड़ के नम्यनालों को एक लम्बाई, विशिष्ट विनिर्देशों अपेक्षाओं (जैसे आंतरिक व्यास, तनन सामर्थ्य आसंजन आदि) (जिसमें नम्यनालों की

कटिंग भी अंतर्भूत है, का निर्धारण करने के लिए परीक्षण टुकड़ा देने के लिए उनमें से जो पहले चयनित हैं (2.3 देखें) में से सहसा चुनी जाएगी। इन सभी निर्धारणों के लिए अपेक्षित परीक्षण टुकड़े या तो रबड़ के नमूनालों की चुनी हुई लम्बाई के दोनों में से किसी सिरे में से काटे जायेंगे।

2.5.2 लॉट को विनिर्देशों की अपेक्षाओं के अनुरूप भोक्षित कर दिया जाएगा यदि विभिन्न लक्षणों के निर्धारण के लिए परिणाम समाधानप्रद पाए जाते हैं, यदि किसी लक्षण के परीक्षण परिणाम विनिर्देशों की सुसंगत अपेक्षा को पूरा करने में असफल रहते हैं, तब लॉट में से चुने हुए नमूनालों की अन्य विभिन्न दो लम्बाई पर उस लक्षण के लिए दो और परीक्षण किए जाएंगे और इन दोनों परीक्षणों के समाधानप्रद पाए जाने पर ही लॉट को उस लक्षण की अपेक्षाओं के अनुरूप समझा जाएगा, अन्यथा नहीं।

टिप्पण : यदि नमूनालों की लम्बाई में से परीक्षण टुकड़ों की कटिंग अमितीय रूप से असाध्य पाई जाती है तो परीक्षण टुकड़ों की अपेक्षित संख्या उसी प्रक्रिया द्वारा उत्पादित किए जायेंगे जिसके द्वारा लॉट में नमूनालों का विनिर्माण किया गया है और लॉट के साथ पथक रूप से प्रदाय किए गए हैं।

3. परीक्षण की रीति :

3.1 जब तक कि निर्यात संविदा में अन्यथा अनुबध्दित न हो, रबड़ के नमूनालों के परीक्षण के लिए अपनाई गयी परीक्षण रीति वही होगी जो सुसंगत भारतीय मानकों में दी गई है।

4. लम्बी अवधि के परीक्षण/प्रकार परीक्षण :

4.1 जब निर्यात संविदाएँ आत्मीजीवी/निष्पादन परीक्षण/गारंटी मापदंडों से संबंधित परीक्षणों के लिए उपबंध करती हैं और उसी के परीक्षण अनुबंधित अवधि (सात दिन या लगभग) के भीतर निष्पादित नहीं किया जा सकता, इन परीक्षणों में एक ही की अवधि पर नमूनों की तथा कार्योत्तर के आधार पर परीक्षण और पूर्व निष्पादन के आधार पर निरीक्षण के प्रमाण पत्र जारी किए जा सकते हैं तथापि, अभिकरण अपना यह समाधान करेगा कि जो परीक्षण कार्योत्तर के आधार पर किया गया है वह निर्यातकर्ता विनिर्माता द्वारा पहले ही किया जा चुका है और परीक्षण निर्यात के लिए अनुज्ञात किया जाएगा परन्तु यह तब जब कि विनिर्माता/निर्यातकर्ता द्वारा किए गए परीक्षण निर्यात संविदा की अपेक्षाओं को पूरा करते हैं।

MINISTRY OF COMMERCE

New Delhi, the 26th November, 1988

ORDERS

S.O. 3473.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is expedient so to do for the development of export

trade of India that the Rubber Hoses mentioned in Annexure-I to this Order shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council of India as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India in the Ministry of Commerce, No. S.G. 1004 dated the 23rd March 1967, except as respects things done or omitted to be done for such supersession, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person who desires to make any objections or suggestions with respect to the said proposals may forward the same within 45 days of the publication of this Order in the Official Gazette to the Export Inspection Council, Pragati Tower (11th floor) 26, Rajendra Place, New Delhi-110003.

[F. No. 6(2)/88-El&EP]

PROPOSALS

(1) To notify Rubber Hoses shall be subject to Quality Control and Inspection prior to export;

(2) to specify the type of quality control and inspection in accordance with the draft Export of Rubber Hoses (Quality Control and Inspection) Rules, 1988 as set out in Annexure-IV to this order as the type of quality control and inspection which shall be applied to such Rubber Hoses, prior to export,

(3) to recognise—

(i) National or International Standards;

(ii) contractual specifications subject to minimum specifications as set out in Annexure II and Annexure-II to this Order;

(iii) Standards of other bodies recognised by Export Inspection Council;

as the standard specifications for such Rubber Hoses.

(4) to prohibit the export in the course of international trade of such Rubber Hoses, unless every consignment thereof is accompanied by an inspection certificate for export issued by any one of the agencies established or recognised under section 7 of the said Act.

(3) Nothing in this Order shall apply to the export by land, sea or air of bonafide trade samples of rubber hoses to the prospective buyers, provided the number of samples of each design or type do not exceed three in number or Rs. 500 in value.

4. In this order 'Rubber Hoses' shall mean any of the rubber hose mentioned in Annexure-I to this Order made from vulcanised rubber, reinforced with woven fabric or braids of cotton, stainless steel, synthetic yarn and woven over the rubber lining used for the purpose of discharge or suction of all types of fluids under high or low pressure.

ANNEXURE-I

1. Water Delivery Hose
2. Water Suction Hose
3. Air Hose
4. Oil Resisting Hose
5. Welding Hose
6. Spray Hose
7. Radiator Hose
8. Chemical Hose
9. Steam Hose

10. Sand Blast Hose
11. Automotive Hydraulic Brake Hose
12. Fire Fighting Hose
13. Cement Grouting Hose
14. Hot Water Hose
15. Air Craft Fuelling Rubber Hose
16. Liquefied Petroleum Gas Hose
17. Railway Vacuum Brake Hose
1. Railway Water Feed Hose

ANNEXURE II

SPECIFICATIONS FOR RUBBER HOSES

1. Water Delivery Hose :
IS : 444—1980 Rubber Water Hose
2. Water Suction Hose :
(a) IS : 2482—1963 Water Suction Hose of Rubber—Light duty.
(b) IS : 3549—1983 Water Suction and Discharge Hose—Rubber—Heavy Duty
3. Air Hose :
IS : 446—1980 Rubber Air Hose
4. Oil Resisting Hose :
(a) IS : 635—1982 oil and solvent hose of rubber, Rubber.
(b) IS : 2396—1981 Rubber Hose for Fuel Dispensing.
(c) IS : 8189—1976 Rubber Hose for Oil Suction and Discharge Services.
(d) IS : 10733—1983 Electrically bonded road and fail tanker hose of rubber resistant to Petroleum products.
5. Welding Hose :
IS : 447—1980 Rubber Hose for Welding.
6. Spray Hose :
IS : 1667—1968 Agricultural spray hose or rubber with braided textile reinforcement.
7. Radiator Hose :
IS : 7654—1975 Rubber Hose for Chemicals.
8. Chemical Hose :
IS : 7564—1975 Rubber Hose for Chemicals.
9. Steam Hose :
IS : 10655—1983 Rubber Steam Hose.
10. Sand Blast Hose :
IS : 5894—1980 Rubber Hose for Sand Blasting.
11. Automotive Hydraulic Brake Hose :
IS : 7079—1979 Automotive Hydraulic Brake Hose.
12. Fire Fighting Hose:
(a) IS : 2410—1963 Suction Hose of Rubber for Fire Services.
(b) IS : 5132—1969 Hose reel tubing for Fire Services.
(c) IS : 636—1979 Fire Fighting Hose.
13. Cement Grouting Hose:
IS : 5137—1982 Rubber Hose for Cement Grouting.
14. Hot Water Hose :
IS : 5821—1979 Hot Water Hose of Rubber.
15. Aircraft Fuelling Rubber Hose :
IS : 5799—1982 Electrically bonded aircraft fuelling rubber hose.
16. Liquefied Petroleum Gas Hose :
IS : 9573—1980 Rubber Hose for Liquefied Petroleum Gas.

ANNEXURE-III

A. Specification for Railway vacuum brake hose

1. Construction.—The hose shall be constructed of the following :

1.1 Rubber Lining.—The rubber lining shall be uniform in thickness, concentric and free from air blisters, porosity, splits, and other surface defects.

1.2 Reinforcement.—The reinforcement shall be with canvas with a steel wire core. The helical coil shall be of tough galvanized steel wire, finished of square and with ends soldered to the adjacent wire and with an ultimate tensile strength of not less than 55 Kg/cm².

1.3 Rubber Cover.—The rubber cover shall be uniform and free from air blisters, porosity and surface defects. The cover shall be cloth-marked finish and the whole shall be consolidated by wrapping and uniformly vulcanized.

2. Requirements.—The rubber hose shall conform to the requirements specified below :

2.1 Dimensions and Tolerances.

2.1.1 Length.—The length of the hose shall be as specified by the purchaser and the tolerance on any hose length shall be \pm per cent.

2.1.2 Internal Diameter.—The internal diameter of the hose shall be as specified by the purchaser.

2.1.3 Requirements of physical tests on finished hose.—The tensile strength and elongation of break of the rubber used for the lining and cover of the hose shall be as follows :

Characteristic	Requirements for	
	Lining	Cover
(a) Tensile strength MPa Min.	4.0	4.0 Min.
(b) Elongation at break per cent Min.	2.00	200

Note : MPa—10.2 Kg/Cm².

2.1.4 Accelerated Ageing Test.—After ageing at 70 \pm 10°C for a period of 72 hours, the rubber used for lining and cover of the hose shall not vary by more than $\pm \frac{10}{15}$ per cent for tensile strength and elongation at break of the corresponding value obtained before aging.

2.2 Physical Test.—The hose shall be bent by hand to the undernoted degrees without displacement of the wire core or rupture of the Canvas covering. The bending should be done once in one direction and then in the opposite direction.

(a) 685 \times 51 mm Bend till touch.

(b) 560 \times 51 mm Bend till ends are 102 mm apart.

(c) 455 \times 51 mm Bend till ends are parallel.

2.3 Vacuum Retaining Capacity Test.—The hose shall be connected by means of cylindrical nozzle of 600 mm diameter and not less than 44 mm in length to a chamber of 1640 cubic centimeter volume with the free and closed with a cylindrical plug, identical in external dimensions, with the nozzle, and with 508 mm of vacuum throughout the assembly, shall not on isolation from the source of vacuum, record a drop of more than 76 mm in one hour on the chamber gauge. The hose shall not be clipped or otherwise bounded to the chamber nozzle or plug for this test.

2.4 Contraction Test.—The hose when subject to 508 mm of vacuum contract not more than 5 per cent of their original length when at rest.

B. SPECIFICATION FOR RAILWAY WATER FEED HOSE :

1. Construction :

1.1 Lining.—The lining shall consist of a suitable rubber compound uniform in thickness, free from air blisters, porosity.

1.2 Reinforcement.—The reinforcement shall be provided by woven fabric or yarn, branded textile reinforcement with spiral type construction, according to the buyer's requirement.

1.3 Cover.—The cover of the moulded hose shall be smooth or fluted as required, hoses manufactured on mandrels may have a cloth marked finish. The whole shall be consolidated and uniformly vulcanised.

2. Requirement.—The feed hose shall conform to the requirements specified below :

2.1 Dimensions and Tolerances :

2.1.1 Internal Diameter.—The internal diameter of the hose shall be as specified by the purchaser.

2.1.2 Length.—The length of the hose shall be as specified by the purchaser, subject to a tolerance on the specified lengths of ± 1 percent or ± 1 mm whichever is greater.

2.2 Adhesion.—The adhesion shall be such that the separation shall not exceed 25 mm per minute under a load of 3.6 kg. between (i) Fabric and fabric (ii) Fabric and Cover.

2.3 Bend Test.—The hose shall be bent by hand under the following noted degree without displacement of the wire core or damage of the canvas covering.

635 mm X 51 mm.—Till the ends are parallel

Method.—The test piece shall be connected to the apparatus and, in the case of hoses upto and including 22 mm nominal bore they shall be bent through 180° so that the fittings are parallel and the distance between the two ends of the hose at the fittings is twice the minimum radius + 5 per cent. Hoses over 22 mm nominal bore shall be left in straight condition.

2.4 Hydraulic Test.—The hose shall be subjected to an internal water pressure test of 7 kg/cm² for 5 minutes without showing any leakage and rupture.

[F. No. 6(2)/88 EI&EP]
N. S. HARIHARAN, Jr. Secy.

Draft rule proposed to be made under Section 17 of the Export (Quality Control & Inspection) Act, 1963
(22 of 1963)

1. Short title and commencement.—(1) These rules may be called the Export of Rubber Hoses (Quality Control and Inspection) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any one of the Export Inspection Agencies established under Section 7 of the Act for certification under In-process Quality Control and established/recognized for consignmentwise inspection;

(c) "approved unit" means a manufacturing unit approved by the Agency as having satisfied the requirements of IPQC;

(d) "consignmentwise inspection" means the process of determining whether a consignment of rubber hoses meant for export complies with the standard specifications, by inspections and testing by the Agency in a manner as laid down by the Council;

(e) "council" means the Export Inspection Council established under Section 3 of the Act;

(f) "in-process quality control" (hereinafter also referred to as IPQC) means, a system of quality control by which a manufacturing unit ensures that rubber hoses are manufactured to conform to the standard specifications by exercising controls at different stages of purchase of materials and components, manufacture, inspection, preservation and packing, in a manner as laid down by the Council;

(g) "periodic visit" means a visit made by officer(s) of the Agency to the approved unit at intervals to ensure compliance of the requirements of IPQC in the unit;

(h) "rubber hoses" shall mean any of the rubber hoses mentioned in Annexure to this Notification made from vulcanized rubber, reinforced with woven fabric or braids of cotton, stainless steel, synthetic yarn and woven over the rubber lining, used for the purpose of discharge or suction of all types of fluids under high or low pressure;

(i) "spot check" means an inspection by the agency of an export consignment to ensure its conformity to the standard specifications in a manner as laid down by the Council.

3. Basis of Inspection.—Inspection of rubber hoses intended for export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under Section 6 of the Act;

either

(i) by ensuring that the products have been manufactured by exercising necessary in-process quality control as specified in Appendix-A to this notification in respect of units coming under in-process quality control system of inspection;

or

(ii) on the basis of inspection and testing carried out in the manner specified in Appendix-B to these rules in respect of units coming under consignmentwise system of inspection.

4. Procedure of Inspection.—(1) An exporter intending to export consignment of rubber hoses shall give an intimation in writing to the agency furnishing therein details of the contractual specifications along with a copy of the export contract or order to enable the agency to carry out inspection in accordance with the provisions of rule 3.

(2) For export of rubber hoses manufactured by exercising adequate in-process quality control as laid down in Appendix-A and the manufacturing unit adjudged as having adequate in-process quality control drills by a panel of experts constituted by the Council for this purpose, the exporter shall also furnish alongwith the intimation mentioned in sub-rule (1) a declaration that the consignment of rubber hoses intended for export has been manufactured by exercising adequate quality control as laid down in Appendix-A and that the consignment conforms to the standard specifications recognized for the purpose.

(3) The exporter shall furnish to the agency the identification marks applied to the consignment to be exported.

(4) Every intimation under sub-rule (1) above, shall be given not less than seven days prior to the despatch of the consignment from the manufacturer's premises, while in the case of intimation along with declaration under sub-rule (2) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(5) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2), the Agency—

(a) (i) on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality controls as laid down in Appendix-A and followed the instructions, if any, issued by the council or agency in this regard to manufacture the product to conform to the standard specifications recognised for the purpose, shall, within three days issue a certificate declaring the consignment of rubber hoses as exportworthy.

(ii) In case where the manufacturer is not the exporter, however, the consignment shall be physically verified and such verification and inspection, if necessary, shall be carried out by the agency to ensure that the above conditions are complied with.

(iii) The agency shall, however, carry out the spot check of some of the consignments meant for export and shall visit the manufacturing unit at regular intervals to verify the maintenance of the adequacy of in-process quality control drills adopted by the unit.

(iv) If the manufacturing unit is found not adopting the required quality control measures at any stage of manu-

facture or does not comply with the recommendations of the council or agency, the unit shall be declared as not having adequate in-process quality control drills and in such cases, the unit if so desire, shall apply afresh for adjudgement of the maintenance of adequacy of in-process quality control drills.

(b) In case where the exporter had not declared under sub-rule (2) of rule 4 that adequate quality control as laid down in Appendix-A had been exercised on satisfying itself that the consignment of rubber hoses conforms to the standard specifications recognised for the purpose, on the basis of inspection and testing carried out as laid down in Appendix-B shall within seven days of carrying out such inspection issue a certificate declaring the consignment as exportworthy;

Provided that where the agency is not so satisfied it shall within the said period of seven days/three days refuse to issue a certificate to the exporter and shall communicate such refusal to the exporter along with the reasons.

(c) (i) In case where the manufacturer is not the exporter under sub-rule (5)(a) or consignment is inspected under sub-rule (5) (b), the agency shall immediately after completion of the inspection seal the packages in the consignment in the manner so as to ensure that the sealed packages cannot be tampered with.

(ii) In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency but in such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of sub product, or (b) at the premises at which the goods are offered by the exporter for inspection, provided adequate facilities for the purpose exist therein.

6. Inspection fee.—Inspection fee shall be paid by the exporter to the agency as under :—

(i) (a) exports under in-process quality control scheme at the rate of 0.2 per cent of F.O.B. value subject to a minimum of Rs. 20 per consignment.

(b) for exports under consignmentwise inspection at the rate of 0.4 per cent of the F.O.B. value subject to a minimum of Rs. 20 per consignment.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4, may within ten days of the receipt of communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons as may be constituted by the Central Government.

(2) The panel of experts shall consist of atleast two thirds of non-officials of the total membership.

(3) The quorum for the panel of experts shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

APPENDIX-A

IN-PROCESS QUALITY CONTROL :

The quality control of the rubber hoses intended for export shall be done with a view to see that the same conform to the specifications recognized by the Central Government under Section 6 of the Act by effecting the following controls at different stages of manufacture, namely :—

(i) Boughtout Materials and Components Control
(a) purchase specifications shall be laid down by the manufacturer incorporating the properties of materials of components to be used and shall have adequate means of inspection of testing to ensure conformity of the incoming lots;

(b) the accepted consignments shall be either, as far as possible, accompanied by a supplier's test or

inspection certificate corroborating the requirement of the purchase specifications, in which case occasional check (that is to say once in each quarter of the year for the same supplies of the same material) shall be conducted by the manufacturer for a particular supplier to verify the correctness of the aforesaid test or inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test houses;

(c) the sampling for inspection or test to be carried out shall be based on a recorded investigation;

(d) after the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components;

(e) adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control.—(a) detailed process specifications shall be laid down by the manufacturer for different processes of manufacture;

(b) equipment, instrumentation and facilities shall be adequate to control the processes as laid down in the process specification;

(c) adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control.—(a) the manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognized, under section 6 of the Act;

(b) sampling (wherever required) for testing shall be based on a recorded investigation;

(c) adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

(iv) Preservation Control.—(a) a detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions;

(b) the product shall be adequately preserved both during storage and transit to the port of shipment.

(v) Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

(vi) Packing Control.—The manufacturer shall lay down a detailed packing specifications for export packages and shall strictly adhere to the same. The code of packaging prescribed by Export Inspection Council shall be kept in view.

(vii) Reliability Control.—Proper complaint feed-back system shall be introduced to modify the existing designs. Records of complaints and their investigation shall be properly maintained.

APPENDIX B

CONSIGNMENTWISE INSPECTION :

1. The consignment of rubber hoses shall be subjected to inspection on despatch to ensure conformity of the same to the specifications recognized under section 6 of the Act.

2. In the absence of specific stipulation in the contract as regards sampling and criteria of conformity, the same laid down hereunder shall become applicable, taking into

consideration any modifications or amendments issued by Export Inspection Council from time to time.

2.1 Lot.—In any consignment, all the lengths of rubber hoses of the same type/grade/size/diameter, having the same number of plies produced under essentially similar conditions of manufacture (such as those from single batch of raw materials/from components obtained from a single group/ from a single production method/undergoing a single curing process, etc) shall be separated into groups of 100 lengths or less and each such group shall constitute a lot.

2.2 Tests for the determination of the conformity of a lot to the requirements for any specification on rubber hoses shall be carried out for each lot separately. The number of lengths of hoses to be selected for this purpose shall be in accordance column 1 and 2 of Table I.

2.3 The required number of lengths of hoses shall be selected at random from among the lengths in the lot. For this purpose, a suitable number of bundles (containing one or more lengths of hoses) not less than 40 percent of the bundles in the lot shall be closed first and from each of the bundles so chosen equal number of lengths shall be taken out at random so as to obtain the desired number of lengths indicated in column 2 of Table I.

TABLE I

Lot Size (in lengths)	SCALE OF SAMPLING	
	Sample Size (in lengths)	Permissible number of Defective Lengths
1	2	3
Upto 15	All	0
16 to 40	15	0
41 to 100	25	1

2.3.1 For example, if a lot consists of 75 lengths of a certain type of rubber hoses packed in 15 bundles each containing five lengths, then not less than six bundles shall be chosen. If it is decided to unpack eight bundles then three lengths of hoses shall be chosen at random from each of the seven such bundles from the remaining bundle, four lengths shall be chosen so as to give a total number of 25 lengths as required in Table I.

2.4 Tests for Non-Destructive Type of Characteristics

2.4.1 The lengths of hoses selected according to 2.3 shall be inspected visually for defects like air blisters, porosity and other surface defects and for constructional details like number of reinforcement plies. The lengths shall also be subjected to dimensional measurement of internal diameter, external diameter and length which does not require cutting up of hoses. Any length found to be unsatisfactory with regard to one or more of these characteristics shall be considered as a defective length.

2.4.2 If the number of defective lengths found is not greater than the corresponding number of defectives given in column 3 of Table I, the lot shall be declared as conforming to the requirements of these characteristics. Only such lots shall be further examined for the destructive type of characteristics as given in 2.5.

2.5 Tests for Destructive Type of Characteristics

2.5.1 From each of such lots which are found to be satisfactory according to 2.4.2, one length of rubber hose shall be chosen at random from those already selected (see 2.3) to provide test pieces for the determination of various specification requirements (such as internal diameter, tensile strength, adhesion etc.) which involve cutting up of the hoses. The test pieces required for all these determinations may be cut from either end of the chosen length of rubber hose.

2.5.2 The lot shall be declared as conforming to the requirements of the specification if the test results for the determination of different characteristics are all found satisfactory. In case the test results for any characteristics fail to meet the relevant requirement of the specification,

two more tests shall be conducted for that characteristics on two other different lengths of hoses chosen from the lot and only on finding these two tests satisfactory, the lot shall be considered as conforming to the requirements of that characteristic; otherwise not.

Note.—In case the cutting up of test pieces from a length of hose is found to be uneconomical or impracticable, the required number of test pieces may be produced by the same process by which the hoses in the lot have been manufactured and supplied separately along with the lot.

3. Method of Tests

3.1 Unless otherwise stipulated in the export contract, the methods of test followed for testing of rubber hoses shall be same as given in the relevant Indian Standards.

4. Long duration test/type tests

4.1 Where export contracts provide for tests relating to shelf life/performance test/guarantee criteria and the test for the same cannot be performed within the stipulated period (seven days or so) samples at a frequency of one in ten consignments and tests on post-facto basis and the certificate of inspection may be issued based on the past performance. However, the agencies shall satisfy themselves that the test which will be carried out on post-facto basis has already been conducted by the exporter/manufacturer and the consignment will be allowed for export provided the tests carried out by the manufacturer/exporter meets the requirements of the export contract.

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 26 नवम्बर, 1988

का.आ. 3474.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि क्राकरी के बर्तन, निर्यात के पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और वे निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) के अपेक्षानुसार भारतीय निर्यात निरीक्षण परिषद को भेज दिए हैं;

अतः अब, केन्द्रीय सरकार, उक्त उपानयन के अनुसरण में और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना स. का. आ. 2333 तारीख 12 जून, 1969 का अधि-क्रमण करते हुए, उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. यह सूचना दी जाती है कि, यदि कोई व्यक्ति उक्त प्रस्थापनाओं की बाबत कोई आक्षेप या सुझाव भेजना चाहता है तो, वह उन्हें राजपत्र में इस आदेश के प्रकाशन की तारीख के पैंतालीस दिन के भीतर निर्यात निरीक्षण परिषद प्रगति, टावर, 11वां तल, 26, राजेन्द्र प्लेन, नई दिल्ली-110008 को भेज सकेगा।

प्रमाण

(1) यह अधिपूचित करना कि काकरी के बर्तन निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

(2) निम्नलिखित को:—

- (i) राष्ट्रीय तथा अन्तर्राष्ट्रीय मानकों, और
- (ii) उपाबंध-I में प्रथा निर्दिष्ट न्यूनतम विनिर्देशों के अधीन रहने हुए ऐसे संविदात्मक विनिर्देशों को, जो केना और विकेता के बीच करार पाए जाएं को ऐसे काकरी के बर्तनों के लिए मानक विनिर्देशों के रूप में, मान्यता देना।

(3) इस आदेश के उपाबंध-II में दिए गए काकरी के बर्तनों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1988 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को ऐसे क्वालिटी नियंत्रण और निरीक्षण के प्रकार के रूप में निर्दिष्ट करना जो निर्यात से पूर्व ऐसे काकरी के बर्तनों को लागू होगा।

(4) ऐसे काकरी के बर्तनों के अन्तर्राष्ट्रीय व्यापार की दशा में, निर्यात को तब तक प्रतिषिद्ध करना, जब तक कि उसके प्रत्येक प्रेषण के साथ, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित अभिकरणों में से किसी एक द्वारा निर्यात के लिए जारी किया गया निरीक्षण प्रमाण-पत्र न लगा हो।

3. इस आदेश की कोई भी बात, भावी केंताओं को थल, समुद्री या वायु मार्ग द्वारा काकरी के बर्तनों के वास्तविक नमूनों के निर्यात को तब तक लागू नहीं होंगे, जब तक कि ऐसे नमूनों का पोत यन्त्र निःशुल्क मूल्य 500 रु. से अधिक न हो।

4. इस आदेश में "काकरी के बर्तन" से अन्य कलात्मक बर्तनों से भिन्न सभी प्रकार के काकरी के बर्तन अर्थात्, मिट्टी के बर्तन, पत्थर के बर्तन, अच्छी मिट्टी के बर्तन, बोन चाईना और चीनी मिट्टी के बर्तन, अभिप्रेत हैं।

(फाईल सं. 6(3)/88 ई आई एण्ड ई पी).

एन०एम० हरिहरन संयुक्त सचिव
उपाबंध-1

काकरी के बर्तनों के लिए न्यूनतम विनिर्देश

1. सामग्री:

1.1 मिट्टी के बर्तन/पत्थर के बर्तन-काकरी के बर्तन, मिट्टी के बर्तन/पत्थर के बर्तनों की क्वालिटी की सफेद चीनी मिट्टी के पके हुए बर्तन में होंगे, वे समुचित रूप से परिपक्व शीसागर पदार्थ से ढके होंगे और बोडी से पूरी तरह से छिपके होंगे। बाडी एक रूप, बर्तनीभूत, अच्छी तंतु रचना

से बनी दिखाई देगी। शीसागर एक रंग अप्रवृत्त और यथासंभव चाक्षुष दोषों से मुक्त होगी।

1.2 अच्छी चीनी/बीना मिट्टी-काकरी के बर्तन, चीनी चीनी क्वालिटी की अभिकथित चीनी मिट्टी के पके हुए सफेद बर्तन होंगे, उपयुक्त रूप से तैयार किए गए शीशे से ढके हुए और बाडी से छिपके होंगे। बाडी एक रूपा बर्तनीभूत अच्छी तंतु रचना अच्छी क्वालिटी से बनी दिखाई देगी। सामग्री उच्चतम पारमासी होगी। यह साधारणतया: दूधिया सफेद रंग की होगी। किसी अन्य रंग की दशा में, पूरा सैट एक समान का होगा।

1.3 ऊष्मारोधी चीनी मिट्टी के बर्तन-सामग्री: पारमिटेन क्वालिटी की ज्वालिट चीनी मिट्टी के सफेद बर्तन की होगी और उपयुक्त रूप से तैयार किए गए शीशे से ढके हुए और बाडी से छिपके होंगे। बाडी एक रूपा बर्तनीभूत अच्छी तंतु रचना अच्छी क्वालिटी से बनी दिखाई देगी। शीसागर चमक सवान, रंग, अप्रवृत्त और यथासंभव चाक्षुष दोषों से मुक्त होगी।

2. कारीगरी :

2.1 सैट में काकरी के बर्तनों की सभी भवें साधारण तथा एक जैसे डिजाइन रंग और सजावट की होंगी चाहिए।

2.2 कप बिना हिले-डुले प्लेट के बीच में स्थिर रहेगा।

2.3 हैंडल जहां कहीं उसकी व्यवस्था है अन्य स्थान पर नहीं होगा।

2.4 बॉल या टॉटो इस प्रकार डिजाइन की गयी होगी कि तरल पदार्थ डालते समय बर्तन की सतह से फिसल कर इधर-उधर न गिर सके।

2.5 टक्कन, जहां उपयुक्त हो, अच्छी तरह से फिट होगा और तरल पदार्थों को डालते समय गोचे नहीं गिरेगा।

3. फिनिश :

3.1 हैनो बर्तनों की आलेखित सतह (निचला रिम) के सिवाय, मदों की समस्त सतह को एकसार और निरंतर कठोर अप्रवृत्त शीशे से आच्छादित किया जाएगा जो सफाई योग्य हो और क्वालिटी को बनाए रखे। इसके अतिरिक्त, हैनो, बर्तनों से भिन्न मदों की आलेखित सतह संरचना में अप्रवृत्त होंगी।

3.2 शीसागर सतह दोषों अर्थात् केंच, रगड़ धब्बों, अंगुलि छापों से मुक्त होगी।

4. चाक्षुष निर्धारण :

4.1 काकरी बर्तनों के चाक्षुष निर्धारण और श्रेण-करण नीचे दिए गए दोषों की प्रकृति, संख्या और वितरण के आधार पर किया जाएगा।

मुख्य दोष :

1. दरारें,

2. 0.8 मि.मी. और उससे अधिक नाप के,
3. शीसागार पीसने के चिन्ह, 0.8 मि.मी. और सतह पर 2 से अधिक ।
4. यदि चमक रहित रहती है तो, किनारे पर 2 मि.मी. और पैर पर 3.5 मि.मी. से अधिक की चिप,
5. सतहों पर 0.8 मि.मी. से बड़े पिन छिद्र,
6. सतह पर 3 से अधिक 5 मि.मी., व्यास के रंग वाले धब्बे, गुच्छों में नहीं पीछे की ओर सतह पर से 5 से अधिक,
7. सतह पर चमक न आना,
8. सामान्य विमाओं का 5 प्रतिशत से अधिक भिन्नवर्तें या टे-टाप,
9. ग्रावट न होना,
10. सतह पर गड्ढे।

छोटे दोष:

1. सतह पर 3 तक और पृष्ठभाग पर 5 तक 8 मि.मी. तक के आकार के श्रेण,
2. शीसागार से ढकी दरारें, पृष्ठ भाग पर 2 मि.मी. से अधिक नहीं होगी।
3. शीसागार पिमाई के चिन्ह 0.8 मि.मी. माप के सतहों पर 3 तक तथा पृष्ठभाग पर 4 से अनधिक 0.8 मि.मी. के,
4. किनारों पर 2 मि.मी. से अधिक और पैरों पर 3.5 मि.मी. चिप, यदि चमकदार हो या शीसागार से ढकी हो,
5. बड़े पिनछिद्र, 0.8 मि.मी. 2 से अनधिक पीछे की ओर पृष्ठभाग की ओर,
6. पिनछिद्र 0.5 मि.मी. सतहों पर 5 तक और पृष्ठभाग की ओर 7 तक परन्तु गुच्छों में नहीं,
7. 5 मि.मी. सतहों पर 5 तक और पृष्ठभाग की ओर 7 तक 5 मि.मी. व्यास तक रंग के धब्बे, गुच्छों में नहीं,
8. पृष्ठीय सतह पर चमक के बिना 2 मि.मी. तक।
9. सजावट के धब्बे,
10. कोई भी हल्की चमक या धुंधली चमक।

जिस बतन पर मुख्य त्रुटियाँ होंगी उस वर्तन को त्रुटित पूर्ण माना जाएगा और फिर किसी भी वर्तन पर उसे अधिक छोटे-छोटे दोष होंगे उसे त्रुटिपूर्ण माना जाएगा।

टिप्पण: दोषों का वही अर्थ होगा जो उसके लिए भा.मा. : 2781-1975-चीनी मिट्टी के वर्तनों में संबंधित निबंधनों की शब्दावली में दिया गया है।

5. सीमा छेड़ना :

5.1 चमकदार सतहों से सीमा छेड़ना 2 पीपीएम से अधिक नहीं होगा जब सुसंगत भारतीय मानकों में विहित प्रणाली के अनुसार या जब संशोधन विनिर्देशों एमसी संशोधन प्रदाय मेवा (सं. रा.प्र.) द्वारा जारी चीनी मिट्टी के वर्तन द्वारा परीक्षित किए जाएं।

6. तापरोधी प्रतिरोधिता :

6.1 काँकरी के वर्तनों की वस्तुएं मिट्टी के वर्तन/पत्थर के बने वर्तनों के मामले में 150° से. ग्रेड पर थर्मल दबाव सहन करेंगे। पॉसिलेन वर्तनों के लिए फाईन चाईना तथा बोन चाईना 120° से. ग्रेड पर, संगत भारतीय मानकों के अनुसार परीक्षित हों।

7. जल अवशोषण :

7.1 जब टूटे हुए वर्तनों के टुकड़े सुसंगत भारतीय मानकों के अनुसार परीक्षित किए जाएं, तब वर्तनों के एक नमूना यूनिट के लिए जल अवशोषण का औसत मूल्य निम्न-लिखित आंकड़ों से अधिक नहीं होगा :

मिट्टी के वर्तन — अधिकतम 10 प्रतिशत

पत्थर से बने वर्तन — अधिकतम 3 प्रतिशत

फाईन चाईना/बोन चाईना — अधिकतम 0.5 प्रतिशत

पॉसिलेन के वर्तन — 0.2 प्रतिशत उस बतन के लिए जिसकी विमाएं अधिकतम 25 सें. मी. तक हों।

— 0.5 प्रतिशत उस वर्तन के लिए जिसकी अधिकतम विमाएं 25 सें. मी. से अधिक हों।

8. संघात प्रबलता और चिखी प्रतिरोधिता :

8.1 जब सुसंगत भारतीय मानकों में विहित प्रणालियों के अनुसार पेंडुलम प्रकार के संघात परीक्षक द्वारा परीक्षण किया जाए तब चीनी मिट्टी के वर्तनों की संघात प्रबलता और चिखी प्रतिरोधिता परीक्षित क्रमशः वर्तनों के सामने दिखाए गए निम्नलिखित आंकड़ों से कम नहीं होगा : मिट्टी के वर्तन और

पत्थर के वर्तन — 0.22 एन एम तथा 0.2 एन एम

फाईन चाईना/बोन चाईना — 0.267 एन एम तथा 0.14 एन एम

पॉसिलेन के वर्तन — 0.19 एन एम तथा 0.20 एन एम

9. क्रेजिंग :

9.1 जब, सुसंगत भारतीय मानकों के अनुसार परीक्षित हों, तब वस्तुएं फाईन चाईना और बोन चाईना के लिए मिट्टी के वर्तन और पत्थर के वर्तनों के मामलों में तीन चक्रों के पश्चात् सतह चटकन नहीं दिखाएंगी।

10. चिह्न और पैकिंग :

10.1 क्रॉकरो के बर्तन, निर्यात निरीक्षण परिषद—
द्वारा समय-समय पर चिह्नित किए गए, मानकों के अधीन
रहते हुए, क्रेता और विक्रेता के बीच करार पाए के अनुसार
चिह्नित और पैक किए जाएंगे।

उपाखण्ड II

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम,
1963 (1963 का 22) को धारा 17 के अधीन बनाए
जाने के लिए प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम और प्रारम्भ :

(i) इन नियमों का संक्षिप्त नाम क्रॉकरी के बर्तनों
का निर्यात (क्वालिटी नियंत्रण) और निरीक्षण)
नियम, 1988 है।

(ii) ये राजपत्र में अन्तिम प्रकाशन की तारीख को
प्रवृत्त होंगे।

2. परिभाषाएं :

उन नियमों में, जहाँ तक कि संदर्भ से अन्यथा अपेक्षित
न हो :—

क. "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरी-
क्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत
है ;

ख. "परिषद" से अधिनियम की धारा 3 के अधीन स्थापित
निर्यात निरीक्षण परिषद अभिप्रेत है ;

ग. "अभिकरण" से अधिनियम की धारा 7 के अधीन
स्थापित निर्यात निरीक्षण अभिकरणों में से कोई एक
अभिकरण अभिप्रेत है ;

घ. "क्रॉकरी के बर्तन" से सभी प्रकार के क्रॉकरी बर्तन
अर्थात् मिट्टी के बर्तन, पत्थर के बर्तन, अच्छी चीनी
मिट्टी के बर्तन, बोन चाईना और कलात्मक बर्तनों
से मिले चीनी मिट्टी के अभिप्रेत है ;

ङ. "उत्पादन के दौरान क्वालिटी नियंत्रण" जिसे इसमें
इसके पश्चात् आर्दपी क्लौसी कहा गया है (से क्वालिटी
नियंत्रण की वह प्रणाली अभिप्रेत है जिसके द्वारा कोई
विनिर्माणकारी एकक यह सुनिश्चित करता है कि क्रॉकरी
के बर्तन, सामग्री और संघटकों के क्रय, विनिर्माण
निरीक्षण, परिरक्षण और पैकिंग के विभिन्न प्रक्रमों पर
नियंत्रणों का प्रयोग करते हुए, मानक विनिर्देशों के
अनुरूप परिषद द्वारा यथा अधिकथित ढंग से विनिर्मित
किए गए हैं ;

च. "परेष" अनुसार निरीक्षण से यह वह अवधारण करने की
प्रक्रिया अभिप्रेत है कि क्या निर्यात के लिए आशयित
क्रॉकरी बर्तनों की कोई परेषण, परिषद द्वारा यथा अधि-
कथित रीति में अभिकरण द्वारा निरीक्षण और परीक्षण
करने पर मानक विनिर्देशों का अनुपालन करता है ;

छ. "अनुमोदित यूनिट" से उत्पादन के दौरान क्वालिटी
नियंत्रण की अपेक्षाओं का समाधान करते हुए अभिकरण
द्वारा अनुमोदित कोई विनिर्माणकारी यूनिट अभिप्रेत है ;

ज. "कालिक दौरा" से अभिकरण के अधिकारियों द्वारा
अनुमोदित यूनिट में अंतरालों पर उत्पादन के दौरान
क्वालिटी नियंत्रण की अपेक्षाओं के अनुपालन को सुनि-
श्चित करने के लिए किए गए दौरे अभिप्रेत हैं, और

झ. "स्थल पर जाँच" से किसी निर्यात परेषण के अभिकरण
द्वारा परिषद द्वारा यथा अधिकथित रीति से मानक
विनिर्देशों को अनुरूपता सुनिश्चित करने के लिए
किया गया कोई निरीक्षण अभिप्रेत है ;

3. निरीक्षण का आधार :

निर्यात के लिए आशयित क्रॉकरी के बर्तनों का निरीक्षण
यह देखने की दृष्टि से किया जाएगा कि वे अधिनियम की
धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक
विनिर्देशों के अनुरूप हैं ;

या

(i) यह सुनिश्चित करते हुए कि उत्पादों का विनिर्माण
उत्पादन के दौरान क्वालिटी नियंत्रण निरीक्षण प्रणाली
के अंतर्गत आने वाली यूनिटों की बाबत हम अधिसूचना
की परिशिष्ट-क में यथा विनिर्दिष्ट उत्पादन के दौरान
आवश्यक क्वालिटी नियंत्रण का प्रयोग करते हुए किया
गया है ;

या

(ii) परेषणानुसार निरीक्षण की प्रणाली के अंतर्गत
आने वाली यूनिटों की बाबत इन नियमों की
परिशिष्ट-ख में विनिर्दिष्ट रीति से किए गए
निरीक्षण और परीक्षण के आधार पर।

4. निरीक्षण की प्रक्रिया :

(1) ऐसा कोई निर्यातकर्ता जो, क्रॉकरी के बर्तनों के
परेषणों का निर्यात करने का इच्छुक है, अभि-
करण को नियम 3 के उपबंधों के अनुसार निरी-
क्षण करने में समर्थ बनाने के लिए निर्यात संविदा का
आदेश या आदेश की एक प्रति के साथ संविदात्मक
विनिर्देशों का अपोरा देते हुए, अभिकरण को
लिखित रूप में सूचना देगा।

(2) परिशिष्ट-क में अधिकथित पर्याप्त उत्पादन के
दौरान क्वालिटी नियंत्रण का प्रयोग करते हुए
और इस प्रयोजन के लिए परिषद द्वारा गठित
विशेषज्ञों के पैनल द्वारा उत्पादन के दौरान पर्याप्त
क्वालिटी नियंत्रणों द्वारा की व्यवस्था रखने वाले
विनिर्माण एकक में विनिर्मित क्रॉकरी के बर्तनों
का निर्यात करने के लिए, निर्यातकर्ता उपनियम-
(2) में उल्लिखित सूचना के साथ यह घोषणा
भी देगा कि निर्यात के लिए आशयित क्रॉकरी
के बर्तनों का परेषण, परिशिष्ट-क में यथा अधि-
कथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग करते
हुए, विनिर्मित किया गया है, और परेषण इस

प्रयोजन के लिए मान्यता प्राप्त प्रत्येक विनिर्देशों के अनुरूप है।

- (3) निर्यातकर्ता अभिकरण को, निर्यात किए जाने वाले परेषण पर लगाए जाने वाले पहचान चिह्न भी देगा।
- (4) ऊपर उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिसर से भेजे जाने से कम से कम सात दिन पहले की जाएगी, जबकि उपनियम-2 के अधीन घोषणा के साथ सूचना की दशा में ये विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम तीन दिन पूर्व दी जाएगी।
- (5) उपनियम (1) के अधीन सूचना और उपनियम (2) के अधीन घोषणा, यदि कोई हो, के प्राप्त होने पर, अभिकरण—
 - (i) विनिर्माण की प्रक्रिया के दौरान अपना यह समाधान हो जाने पर कि विनिर्माता ने परिशिष्ट-क में अधिकथित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है और इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप उत्पाद का विनिर्माण करने के संबंध में परिषद या अभिकरणों द्वारा जारी किए गए निर्देशों का, यदि कोई हो, पालन किया गया है, तीन दिन के भीतर यह घोषणा करते हुए, प्रमाण पत्र जारी कर देगा कि क्रॉकरी के बर्तनों का परेषण निर्यात योग्य है।
 - (ii) ऐसी दशा में जहां विनिर्माता निर्यातकर्ता नहीं है, तथापि परेषण का वास्तविक सत्यापन किया जाएगा ऐसा सत्यापन तथा निरीक्षण यदि आवश्यक हो तो, अभिकरण द्वारा यह सुनिश्चित करते हुए किया जाएगा कि उपरोक्त शर्तों का पालन हुआ है।
 - (iii) अभिकरण, निर्यात के लिए आशयित कुछ परेषणों की स्थल पर जांच करेगा और एकक द्वारा अपनाए गए उत्पादन के दौरान क्वालिटी नियंत्रण प्रणाली की पर्याप्तता को बनाए रखने का, सत्यापन करने के लिए नियमित अंतरालों पर विनिर्माता-कारी एककों का दौरा करेगा।
 - (iv) यदि विनिर्माण एककों में यह पाया जाता है कि उनमें विनिर्माण के किसी भी प्रक्रम पर अपेक्षित क्वालिटी नियंत्रण उपायों का पालन नहीं किया गया है या परिषद या अभिकरण की सिफारिशों का पालन नहीं किया गया है तो यह घोषित किया जाएगा कि यूनिट के पास उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण बिन्दु नहीं हैं और ऐसे मामलों में, यदि यूनिट ने ऐसी बांछा की है तो, यूनिट उत्पादन के दौरान पर्याप्त क्वालिटी

नियंत्रण की व्यवस्था को बनाए रखने के समायोजन के लिए नया आवेदन देगी।

- (ख) ऐसी दशा में, जहां निर्यातकर्ता, नियम 4 के उपनियम (2) के अधीन यह घोषित नहीं करता है कि परिशिष्ट-क में अधिकथित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है अतः यह समाधान कर लेने पर कि क्रॉकरी के बर्तनों का परेषण इस समायोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, परिशिष्ट-ब में दया अधिकथित किए गए निरीक्षण और परीक्षण के आधार पर ऐसा निरीक्षण करने के तीन दिनों के भीतर यह घोषणा करते हुए प्रमाण-पत्र जारी करेगा कि परेषण निर्यात योग्य है;

परन्तु जहां अभिकरण का ऐसा समाधान नहीं होता है तो वहां वह उक्त सात दिन/तीन दिन की अवधि के भीतर निर्यातकर्ता को प्रमाण-पत्र जारी करने से इंतार करेगा और ऐसे इंतार को सूचना उक्त कारणों उद्धृत निर्यातकर्ता को देगा।

- ग. (i) ऐसी दशा में जहां विनिर्माता उपनियम (5) (क) के अधीन निर्यातकर्ता नहीं है या परेषण का उपनियम (5) (ब) के अधीन निरीक्षण किया गया है वहां अभिकरण निरीक्षण का समाप्ति के तुरन्त परेषण में पैकेजों को उस रोति में सोलबंद किया जाएगा जिससे यह सुनिश्चित हो सके कि सालबंद पैकेजों में रक्षाबंदन न की जा सके।
- (ii) परेषण के अस्वीकृति की दशा में, यदि निर्यातकर्ता ऐसा चाहे तो परेषण अभिकरण द्वारा सालबंद नहीं किया जाएगा परन्तु ऐसा दशा में निर्यातकर्ता अस्वीकृति के विरुद्ध अग्रत करने का हकदार नहीं होगा।

5. निरीक्षण का स्थान :

इन नियमों के अधीन प्रत्येक निरीक्षण, या तो (क) ऐसे उत्पादन के विनिर्माता के परिसरों पर, या (ब) ऐसे परिसरों पर जहां निर्यातकर्ता द्वारा निरीक्षण के लिए माल प्रस्तुत किया जाता है किया जाएगा, परन्तु यह तब जब कि वहां इस प्रयोजन के लिए पर्याप्त सुविधाएं विद्यमान हों।

6. निरीक्षण फीस :

निर्यातकर्ता द्वारा अभिकरण को निम्नानुसार निरीक्षण संबत दी जाएगी :—

- (i) क. उत्पादन के दौरान, क्वालिटी नियंत्रण प्रणाली के अंतर्गत निर्यात के लिए न्यूनतम 20 रु. प्रति परेषण के अधीन रहते हुए पीत पर्यंत निःशुल्क मूल्य के 0.2 प्रतिशत की दर पर।

ख. परीक्षणानुसार निरीक्षण के अधीन निर्यात के लिए न्यूनतम 20 रु. प्रति परीक्षण के अधीन रहते हुए, पोत पर्यन्त निःशुल्क मूल्य के 0.4 प्रतिशत की दर पर ।

(ii) प्रति परीक्षण न्यूनतम 20 रु. के अधीन रहते हुए, (क) तथा (ख) के लिए क्रमशः 0.18 प्रतिशत और 0.36 प्रतिशत की दर पर उन निर्यातकर्ताओं के लिए जो, राज्यों/संघ राज्य क्षेत्रों की संबंधित सरकारों के साथ लघु उद्योग विनिर्माण यूनिटों के रूप में राजिस्ट्रीकृत हैं ।

7. अपील :—

- (1) नियम 4 के उपनियम (5) के अधीन प्रमाण-पत्र जारी करने से इंकार किए जाने से व्यथित कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के दस दिनों के भीतर केन्द्रीय सरकार द्वारा यथा गठित ऐसे विशेषज्ञों के पैनल को अपील कर सकेगा जो तीन से अधिक किन्तु सात से अधिक व्यक्तियों से मिलकर बना हो ।
- (2) विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर सरकारी होंगे ।
- (3) विशेषज्ञों के पैनल की गणपूर्ति तीन होगी ।
- (4) अपील का निपटारा इसके प्राप्त होने के पंद्रह दिन के भीतर कर दिया जाएगा ।

परिशिष्ट-क

उत्पादन के दौरान क्वालिटी नियंत्रण :

निर्यात के लिए आशयित क्रौंकरी के बर्तनों का क्वालिटी नियंत्रण यह देखने की दृष्टि से किया जाएगा कि, विनिर्माण के विभिन्न प्रक्रमों पर निम्नलिखित नियंत्रणों की प्रभावी बनाते हुए विनिर्मित किए गए हैं, और वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप हैं, अर्थात् :—

i. क्रय की गयी सामग्री और संघटक नियंत्रण :

- (क) विनिर्माता द्वारा प्रयुक्त किए गए संघटकों की सामग्री को समाविष्ट करते हुए, क्रय विनिर्देश अधिकृत किए जाएंगे और आने वाले लॉटों की अनुरूपता सुनिश्चित करने के लिए निरीक्षण या परीक्षण के पर्याप्त साधन होंगे ;
- (ख) स्वीकृत परीक्षणों के साथ जहाँ तक संभव हो, या तो क्रय विनिर्देशों की अपेक्षाओं की समाविष्ट करते हुए प्रदायकर्ता का परीक्षण या निरीक्षण प्रमाण-पत्र होगा, जिसमें विनिर्माता द्वारा विशेष प्रदायकर्ता के लिए एक आकस्मिक जांच (अर्थात् उसी सामग्री के उसी प्रदाय के लिए वर्ष की प्रत्येक तिमाही में एक बार) उपरोक्त कथित निरीक्षण या परीक्षण प्रमाण-पत्र की शुद्धता को

सत्यापित करने के लिए की जाएगी, या क्रय की गयी सामग्री या संघटकों का नियमित रूप से फैक्ट्री की प्रयोगशाला में या किसी अन्य प्रयोगशाला या परीक्षण सदन में निरीक्षण या परीक्षण किया जाएगा ;

- (घ) किए जाने वाले निरीक्षण या परीक्षण के लिए नमूना लेना अभिलिखित अन्वेषणों पर आधारित होगा ;
- (घ) निरीक्षण या परीक्षण करने के पश्चात् स्वीकृत और अस्वीकृत सामग्री या संघटकों के पृथक्करण में और अस्वीकृत सामग्री या संघटकों का निपटारा करने के लिए व्यवस्थित पद्धतियाँ अपनाई जाएंगी ;
- (ङ) उपरोक्त वर्णित नियंत्रणों के संबंध में विनिर्माता द्वारा पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से रखे जाएंगे ।

ii. प्रक्रिया नियंत्रण :

- (क) विनिर्माता द्वारा विनिर्माण की विभिन्न प्रक्रियाओं के लिए ब्यौरेवार प्रक्रिया विनिर्देश अधिकृत किए जाएंगे ।
- (ख) क्रय विनिर्देशों में अधिकृत के अनुसार प्रक्रियाओं पर नियंत्रण रखने के लिए पर्याप्त उपकरण उपस्कर सुविधाएँ होंगी ।
- (ग) विनिर्माता द्वारा, विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों की समीक्षा का सत्यापन सुनिश्चित करने के लिए पर्याप्त अभिलेख रखे जाएंगे ।

iii. उत्पाद नियंत्रण :

- (क) विनिर्माता के पास अधिनियम की धारा 6 के अधीन मान्यताप्राप्त विनिर्देशों के आधार उत्पाद का परीक्षण करने के लिए या तो स्वयं की परीक्षण सुविधाएँ होंगी या उसकी पहुँच वहाँ तक होगी जहाँ कहीं भी ऐसी परीक्षण सुविधाएँ विद्यमान हैं ।
- (ख) परीक्षण के लिए नमूना लेना, (जहाँ कहीं अपेक्षित हो) अभिलिखित अन्वेषणों पर आधारित होगा ;
- (ग) विनिर्माता द्वारा किए गए परीक्षणों की बाबत में पर्याप्त अभिलेख नियमित रूप से और व्यवस्थित रूप से रखे जाएंगे ।

iv. परिरक्षण नियंत्रण :

- (क) विनिर्माता द्वारा उत्पाद को मौसम की दशाओं के प्रतिकूल प्रभाव से बचाने के लिए ब्यौरेवार विनिर्देश अधिकृत किए जाएंगे ।
- (ख) उत्पाद को पोत-लदान के पतन के लिए भण्डार-करण और अभिवहन दोनों के दौरान पर्याप्त रूप से परिरक्षित किया जाएगा ।

5. माप संबंधी नियंत्रण :

उत्पादन तथा निरीक्षण में प्रयुक्त गेजों और उत्सकरी की कालिक जांच की जाएगी या उनको अपॉकित किया जाएगा और विनिर्माता द्वारा अभिलेख को वृत्त काई के रूप में रखा जाएगा।

6. पैकिंग नियंत्रण :

विनिर्माता, निर्यात के लिए, एग्रीडर पैकिंग विनिर्देश अधिकृत करेगा और उनका कड़ाई से पालन करेगा। निर्यात निरीक्षण परिपद द्वारा विहित पैकिंग के कोड को ध्यान में रखा जाएगा।

परिशिष्ट-ख

परीक्षणानुसार निरीक्षण :

मानक विनिर्देशों से, उत्सकरी के बर्तनों के परीक्षण की अनुरूपता अवधारित करने के लिए, निम्नलिखित प्रक्रियाओं को अनुसरण किया जाएगा :

लॉट :—किसी परीक्षण में वैसे ही प्रवर्ग के क्रॉकरी बर्तनों की सभी वस्तुओं को (जैसे प्याले, पालों और प्लेटों) 1000 या इससे कम वस्तुओं के लॉट का गठन करने के लिए एक साथ एकत्रित किया जाएगा। विनिर्देशों की अपेक्षाओं से क्रॉकरी बर्तनों की अनुकूलता को सुनिश्चित करने के लिए प्रत्येक लॉट से नमूने लिए जाएंगे।

नमूना लेने के मापदंड :

विभिन्न परीक्षणों के लिए चयनित किए जाने वाले क्रॉकरी के बर्तनों के नमूनों की संख्या वह होगी जो नीचे की सारणी में दी गयी है। यदि लॉट में क्रॉकरी बर्तनों की मर्से बहुत से बक्सों में पैक की जाती है तो नमूना मर्से का निम्नलिखित रीति से चयन किया जाएगा :

(क) 5 या कम बक्सों में पैक किए गए लॉटों के लिए सभी बक्सों को खोला जाएगा, और

(ख) 5 से अधिक बक्सों में पैक किए गए लॉटों के लिए, न्यूनतम 5 के अधीन रहते हुए, बक्सों से यथायक 20 प्रतिशत से नमूना किया जाएगा।

(क) और (ख) दोनों दशाओं में नमूना मर्से की कुल संख्या सारणी के स्तंभ-2 के अनुसार होगी।

लॉट आकार	सारणी-नमूना लेने के मापदंड			
	कारिगरी और फिनिश तथा दृश्य निर्वारण के लिए	संवत प्रबलता और विष्पो प्रतिरोधिता के लिए	नमूना स्वीकृत आकार संख्या	नमूना स्वीकृत आकार संख्या
(1)	(2)	(3)	(4)	(5)
100 तक	8	1	3	0
101 से 300	13	1	4	0

(1)	(2)	(3)	(4)	(5)
301 से 500	20	2	5	0
501 से 1000	32	3	6	0

नमूनों का परीक्षण और अनुकूलता के लिए, मापदंड :
शिल्प और फिनिश तथा वाक्षुष निर्वारण :

सारणी के स्तंभ 2 के अनुसार जांच की गयी क्रॉकरी के बर्तनों की मर्से का इस आदेश के उपाबंध 4.1 में यथा-वर्णित के अनुसार बड़े और छोटे नुदियों को विद्यमानता के लिए अलग-अलग परीक्षण किया जाएगा। त्रुटिपूर्ण मर्से की संख्या सारणी के स्तंभ 3 में दी गयी स्वीकृत संख्या से अधिक नहीं होगी। यदि इन खंड के अधीन प्लॉट को समाधानप्रद रूप में घोषित किया किया जाता है।

संघात प्रबलता और चिपण प्रतिरोधिता :

इस परीक्षण का प्रत्येक नमूना आकार, सारणी के स्तंभ 4 में दिए अनुसार होगा नमूना बर्तन उनमें से निकाले जाएंगे जो इस खंड के अधीन समाधानप्रद रूप में घोषित किए हैं।

अन्य परीक्षण :

एक परीक्षण, सतह चटकन सीसा घुलनशीलता, अवशोषणता और ताप आघात प्रतिरोधिता के लिए किया जाएगा। इस प्रयोजन के लिए, नमूनों को अपेक्षित संख्या में लॉट में से यथायक चुना जाएगा। यदि इन सभी परीक्षणों में कोई असफलता पता नहीं चलती है तो लॉट को समाधानप्रद रूप में समझा जाएगा।

ORDER

S.O. 3474.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India the Crockeryware shall be subject to quality control and inspection prior to export.

And whereas the Central Government has formulated the proposals given below for the said purpose and has forwarded the same to the Export Inspection Council of India as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules 1964;

Now, therefore, in pursuance of the said sub-rule, and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 2333 dated the 12th June 1969, the Central Government hereby publish the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the date of publication of this Order in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26 Rajendra Place, New Delhi-110008;

PROPOSALS

(1) To notify that crockeryware shall be subject to quality control and inspection prior to export;

(2) To recognise—

- (i) National or International Standards; and
 - (ii) Contractual specifications as agreed to between the buyer and the seller subject to the minimum specifications as referred to in Annexure-I, as the standard specification for such crockeryware.
- (3) To specify the type of quality control and inspection in accordance with the draft Export of Crockeryware (Quality Control and Inspection) Rules, 1988 as set out in Annexure-II to this Order, as the type of quality control and inspection which shall be applied to such crockeryware prior to export;
- (4) To prohibit the export in the case of international trade of such crockeryware unless every consignment thereof is accompanied by an inspection certificate for export issued by any one of the Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

3. Nothing in this Order shall apply to the export by land, sea or air of bonafide trade samples of crockeryware to the prospective buyers, provided f.o.b. value of such samples do not exceed Rs. 500.

4. In this Order "Crockeryware" shall mean, all types of crockeryware namely earthenware, stoneware, fine china, bone china, and porcelainware, other than artware.

[F. No. 6(3)/88-EI&EP]
N. S. HARIHARAN, Jt. Secy.

ANNEXURE—I

MINIMUM SPECIFICATIONS FOR CROCKERYWARE

1. Materials

1.1 Earthenware/Stoneware—The crockeryware shall be fired ceramic whiteware of earthenware/stoneware quality, covered by glaze properly matured and fitted to the body. The body shall show upon fracture a dense, homogeneous fine-grained texture. The glaze shall be of uniform colour, impervious and as free from visual defects as possible.

1.2 Fine China/Bone China—The crockeryware shall be fired vitrified ceramic whiteware, of bone china quality, covered by a glaze properly matured and fitted to the body. The body shall show, upon fracture, dense, homogeneous and fine-grained vitrified texture. The material shall be highly translucent. It shall be generally of milky white colour. In the case of any other colour, the full set shall be of one uniform colour.

1.3 Porcelain crockeryware—The material shall be fired ceramic whiteware of porcelain quality, covered by glaze properly matured and fitted in the body. The body shall show upon fracture a dense, homogeneous vitrified texture. The glaze shall be of uniform colour, impervious and as free as possible from visual defects.

2. Workmanship

2.1 All items of crockeryware in a set should be generally of a matching design, colour and decoration.

2.2 The cup shall rest in the middle of the saucer without rocking or spinning.

2.3. The handle, where provided, shall not be misplaced.

2.4 The lip or spout shall be so designed that liquids may not trickle down the sides of the ware, while pouring.

2.5 The lid, where used, shall fit properly and shall not fall down while pouring out liquids.

3. Finish

3.1 Except for the resting surface (bottom rim) of the hollow ware, the entire surface of items shall be covered by a uniform and continuous hard impervious glaze, which is cleanable and retains this quality. In addition, resting surface of the items other than hollow ware shall be non-abrasive in texture.

3.2 The glazed surface shall be free from defects namely craze, crawling, patches and finger prints.

4. Visual Assessment

4.1 Visual assessment and grading of crockeryware shall be done on the basis of the nature, number and distribution of defects as given below :

Major Defects

- (1) Cracks
- (2) Grog of size 0.8 mm and more.
- (3) Glaze grinding mark, size 0.8 mm and more than 2 on surface.
- (4) Chip of more than 2 mm on edge and 3.5 mm on foot, if remaining unglazed.
- (5) Pin holes, larger than 0.8 mm on surface.
- (6) Colour spots 0.5 mm dia, more than 3 on surface, not in cluster and more than 5 on backside.
- (7) Glaze off on surface.
- (8) Warpage or crookedness more than 5 per cent of normal dimensions.
- (9) Decorations misplaced.
- (10) Blisters on surface.

Minor Defects

- (1) Grogs of size upto 0.8 mm upto 3 on surface and upto 5 on backside.
- (2) Cracks, covered with glaze, not more than 2 mm on backside.
- (3) Glaze grinding mark, size 0.8 mm upto 2 on surface and not more than 4 on back side.
- (4) Chip of more than 2 mm on edge and 3.5 mm on foot if remaining glazed or covered with glaze.
- (5) Large pin hole, 0.8 mm, not more than 2 on backside.
- (6) Pin holes 0.5 mm, upto 5 on surface and upto 7 on backside, but not in cluster.
- (7) Colour spot upto 0.5 mm dia, not more than 5 on surface and 7 on backside, but not in cluster.
- (8) Glaze off on back surface, upto 2 mm.
- (9) Smudged decorations.
- (10) Anylight glaze or mattish glaze.

Anyware having a major defect shall be termed as defective. Further, any ware having more than 3 of the minor defects shall be termed as defective.

Note :—The defects shall have same meaning as given in IS : 2781-1975-Glossar of terms relating to ceramic ware.

5. Release of Lead

5.1 Release of lead from glazed surface shall not be more than 2 ppm when tested in accordance with the method prescribed in the relevant Indian Standards or when tested as per Federal Specifications MC-301E-Chinaware Tableware issued by the Federal Supply Service (USA).

6. Thermal Shock Resistance

6.1 Items of crockeryware shall withstand thermal shock of 15°C in case of earthenware/stoneware, fine china and bone china and 120°C for porcelainware, when tested as per the relevant Indian Standards.

7. Water Absorption

7.1 When pieces of broken ware are tested as per the relevant Indian Standards, the average value of water absorption for a sample unit of ware shall not exceed the following figures :

Earthenware—10 per cent Max.
Stoneware—3 per cent.

Fine China/Bone China—0.5 per cent Max.
 Porcelainware—0.2 per cent for ware having a Max. dimension upto 25 cm. 0.5 per cent for ware having a Max. dimension of more than 25 cm.

8. Impact Strength and Chipping Resistance

8.1 The impact strength and chipping resistance of items of crockeryware when tested by the pendulum type impact tester in accordance with the methods prescribed in the relevant Indian Standards shall not be less than the following figures as shown against the respective type of wares :

Earthenware and Stoneware—0.22 N.m. and 0.2 N.m.
 Fine China/Bone China—0.267 N.m. and 0.14 N.m.
 Porcelainware—0.19 N.m. and 0.20 N.m.

9. Crazing

9.1 When tested in accordance with relevant Indian standard, the articles shall show no crazing after undergoing three cycles in case of earthenware and stoneware and five cycles for fine china and bone china.

Note : Crazing not prescribed for porcelainware.

10. Marking and Packing

10.1 The crockeryware shall be marked and packed as agreed to between the purchaser and seller subject to any minimum standard prescribed by Export Inspection Council from time to time.

ANNEXURE—II

Draft rules proposed to be made under Section 17 of the Export (Quality Control & Inspection) Act, 1983 (22 of 1983).

1. Short title and commencement.—(i) These rules may be called the Export of Crockeryware (Quality Control and Inspection) Rules, 1988.

(ii) These shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Act" means, the Export (Quality Control and Inspection) Act, 1963 (2 of 1963);
- (b) "Council" means the Export Inspection Council established under Section 3 of the Act;
- (c) "Agency" means, any one of the Export Inspection Agencies established under section 7 of the Act;
- (d) "Crockeryware" shall mean, all types of crockeryware namely earthenware, stoneware, fine china, bone china and porcelain ware other than artware;
- (e) "Inprocess Quality Control" (hereinafter also referred to as IPQC) means a system of quality control by which a manufacturing unit ensure that crockeryware are manufactured to conform to the standard specifications by exercising controls at different stages of purchase of materials and components, manufacture, inspection, preservation and packing, in a manner as laid down by the Council;
- (f) "Consignmentwise Inspection" means the process of determining whether a consignment of crockeryware meant for export complies with the standard specifications, by inspection and testing by the Agency in a manner as laid down by the Council;
- (g) "Approved unit" means a manufacturing unit approved by the Agency as having satisfied the requirements of IPQC;
- (h) "Periodic Visit" means a visit made by officer(s) of the Agency to the approved unit at intervals to ensure compliance of the requirements of IPQC in the unit; and
- (i) "Spot Check" means an inspection by the Agency of an export consignment to ensure its conformity to the standard specifications in a manner as laid down by the Council

3. Basis of Inspection.—Inspection of crockeryware intended for export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act;

either

(i) by ensuring that the products have been manufactured by exercising necessary in-process quality control as specified in Appendix-A to this notification in respect of units coming under in-process quality control system of inspection; or

(ii) on the basis of inspection and testing carried out in the manner specified in Appendix-B to these rules in respect of units coming under consignmentwise system of inspection.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of crockeryware shall give an intimation in writing to the Agency furnishing therein details of the contractual specifications alongwith a copy of the export contract or order to enable the Agency to carry out inspection in accordance with the provisions of rule 3.

(2) For export of crockeryware manufactured by exercising adequate in-process quality control as laid down in Appendix-A and the manufacturing unit adjudged as having adequate inprocess quality control drills by a panel of experts constituted by the Council for this purpose, the exporter shall also furnish alongwith the intimation mentioned in sub-rule (2) declaration that the consignment of crockeryware intended for export has been manufactured by exercising adequate quality control as laid down in Appendix-A and that the consignment conforms to the standard specifications recognised for the purpose.

(3) The exporter shall furnish to the Agency the identification marks applied to the consignment to be exported.

(4) Every intimation under sub-rule (1) above, shall be given not less than seven days prior to the despatch of the consignment from the manufacturer's premises, while in the case of intimation alongwith declaration under sub-rule (2) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises;

(5) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2), Agency—

(a) (i) On satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control as laid down in Appendix-A and followed the instructions, if any, issued by the Council or Agency in this regard to manufacture the product to conform to the specifications recognised for the purpose, shall within three days issue a certificate declaring the consignment of crockeryware as exportworthy.

(ii) In case where the manufacturer is not the exporter, however, the consignment shall be physically verified and such verification and inspection, if necessary shall be carried out by the Agency to ensure that the above conditions are complied with.

(iii) The agency shall, however, carry out the spot check of some of the consignments meant for export and shall visit the manufacturing unit at regular intervals to verify the maintenance of the adequacy of inprocess quality control drills adopted by the unit.

(iv) If the manufacturing unit is found not adopting the required quality control measures at any stage of manufacture or does not comply with the recommendations of the Council or Agency, the unit shall be declared as not having adequate inprocess quality control drills and in such cases, the unit if so desired, shall apply afresh for adjudgement of the maintenance of adequacy on in-process quality control drills.

(b) In case where the exporter had not declared under sub-rule (2) of rule 4 that adequate quality control as laid down in Appendix-A had been exercised, on satisfying itself that the consignment of crockeryware conforms to the standard specifications recognised for the purpose, on the basis of inspection and testing carried out as laid down in Appendix-B shall within seven days of carrying out such inspection issue a certificate declaring the consignment as exportworthy :

Provided that, where the agency is not so satisfied, it shall within the said period of seven days/three days refuse to issue a certificate to the exporters and shall communicate such refusal to the exporter alongwith the reasons.

(c) (i) In case where the manufacturer is not the exporter under sub-rule (5) (a) or consignment is inspected under sub-rule (5) (b), the agency shall immediately after completion of the inspection seal the packages in the consignment in the manner so as to ensure that the sealed packages cannot be tampered with.

(ii) In case of rejection of consignment, if the exporter so desired, the consignment may not be sealed by the agency but in such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of such product, or (b) at the premises at which the goods are offered by the exporter for inspection, provided adequate facilities for the purpose exist therein.

6. Inspection Fee.—Inspection fee shall be paid by the exporter to the agency as, under :

(i) (a) for exports under inprocess quality control scheme at the rate of 0.2 per cent of the f.o.b. value subject to a minimum of Rs. 20 per consignment.

(b) for exports under consignmentwise inspection at the rate of 0.4 per cent of the f.o.b. value subject to a minimum of Rs. 20 per consignment.

(ii) subject to the minimum of Rs. 20 per consignment, the rate shall be 0.18 per cent and 0.36 per cent for (a) and (b) respectively for manufacturers/exporters who are registered as small scale manufacturing units with the concerned Government of State/Union territories.

7. (1) Appeal.—(1) Any person aggrieved by the refusal of the Agency in issue a certificate under sub-rule (5) of rule 4 may, within ten days of the receipt of communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons as may be constituted by the Central Government.

(2) The panel of experts shall consist of atleast two-thirds of non-officials of the total membership.

(3) The quantum for the panel of experts shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

APPENDIX-A

INPROCESS QUALITY CONTROL:

The quality control of the crockeryware intended for export shall be done with a view to seeing that the same conform to the specifications recognized by the Central Government under section 6 of the Act by effecting the following controls of different stages of manufacture namely:

(i) Boughtout materials and Components Control.—(a) purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots;

(b) the accepted consignments shall be either, as far as possible, accompanied by a supplier's test or inspection certificate corroborating the requirement of the purchase specification, in which case occasional check (that is to say, once in each quarter of the year for the same supplies of the same material) shall be conducted by the manufacturer for a particular supplier to verify the correctness of the aforesaid test or inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test houses;

(c) the sampling for inspection or test to be carried out shall be based on a recorded investigation;

(d) after the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components;

(e) adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control.—(a) detailed Process specifications shall be laid down by the manufacturer for different processes of manufacture;

(b) equipment instrumentation and facilities shall be adequate to control the processes as laid down in the process specification.

(c) adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control.—(a) the manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognised, under section 6 of the Act;

(b) sampling (wherever required) for testing shall be based on a recorded investigation;

(c) adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

(iv) Preservation Control.—(a) a detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions;

(b) the product shall be adequately preserved both during storage and transit to the port of shipment.

(v) Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

(vi) Packing Control.—The manufacturer shall lay down a detailed packing specifications for export packages and shall strictly adhere to the same. The code of packing prescribed by Export Inspection Council shall be kept in view.

APPENDIX-B

Consignmentwise Inspection.—To determine the conformity of a consignment of crockeryware to the standard specifications the following procedures shall be followed :

Lot : In any consignment all items of crockeryware of the same category (such as cups, pots and plates) shall be grouped together to constitute a lot of 1000 pieces or less. Samples shall be taken from each lot to ascertain the conformity of the countrywise to the requirements of the specifications.

Scale of Sampling.—The number of sample items of crockeryware to be selected for various tests shall be as given in the table below. If the items of crockeryware in a lot are packed in a number of boxes, the sample items shall be selected in the following manner :

(a) For lots packed in 5 boxes or less—all boxes shall be opened; and -

(b) For lots packed in more than 5 boxes, atleast 20 per cent of the boxes, subject to a minimum of 5, shall be sampled at random.

In both the cases (a) and (b), the total number of sample items shall be in accordance with Col. 2 of the table.

TABLE—SCALE OF SAMPLING

Lot Size	For workmanship and Finish and Visual Assessment		For Impact strength and chipping Resistance	
	Sample Size	Acceptance number	Sample Size	Acceptance number
1	2	3	4	5
Upto 100	8	1	3	0
101 to 200	13	1	4	0
201 to 500	20	2	5	0
501 to 1000	32	3	6	0

Testing of the Samples and Criteria for Conformity Workmanship and Finish and Visual Assessment.—Item of crockeryware selected in accordance with col. 2 of Table shall be individually examined for the presence of major and minor defects as mentioned in 4.1 of Annexure to the Order. The number of defective items shall not exceed the acceptance number given in col. 3 of Table if the lot is to be declared satisfactory under this clause.

Impact Strength and Chipping Resistance.—The sample size for each of this test shall be as given in col. 4 of the Table. Sample wares shall be drawn out of those declared satisfactory under this clause.

Other Tests.—One test shall be conducted for crazing lead solubility, water absorption and thermal shock resistance. For this purpose, required number of samples shall be collected afresh from the lot at random. The lot shall be deemed satisfactory if no failure is reported in all these tests.

मुख्य नियंत्रक आयात-निर्यात का कार्यालय

नई दिल्ली, 7 नवम्बर, 1988

आदेश

का.आ. 3475 :—श्री कनक राज पौल, 66-ए, कालिना कोलेवेरी, सान्ताक्रुज (ईस्ट), बम्बई-400029, को एक माजदा 929-एल कार, इंजन 139918, चैसिस 103101 का आयात करने के लिए 90,000/- रु. (नब्बे हजार रुपये केवल) का सीमा शुल्क निकासी परमिट सं. पी/जे/3077421 दिनांक 20-6-1988 दिया गया था। आवेदक ने ऊपर उल्लिखित सीमा शुल्क निकासी परमिट की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी परमिट अस्थानस्थ/खो गया है। आगे यह भी बताया गया है कि मूल सीमा शुल्क निकासी परमिट किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं था और सीमा शुल्क निकासी परमिट के मूल्य का कुछ भी उपयोग नहीं किया गया है।

2. अपने दावे के समर्थन में लाइसेंसधारी ने उपयुक्त न्यायाधिक प्राधिकारी के समक्ष विधिवत् रूप से शपथ लिया हुआ शपथ-पत्र प्रस्तुत किया है। तदनुसार, मैं सन्तुष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट सं. पी/जे/3077-2883GI/88—4

421 दिनांक 20-6-1988 आवेदक से खो गया है। समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की उपधारा 9(गग) के अधीन प्रदत्त अधिकारों का प्रयोग करते हुए श्री कनक राज पौल को जारी उक्त मूल सीमा शुल्क निकासी परमिट सं. पी/जे/3077421, दिनांक 20-6-1988 को एतद्वारा रद्द किया जाता है।

3. सीमा शुल्क निकासी परमिट की एक अनुलिपि प्रति पार्टी को अलग से जारी की जा रही है।

[फा. सं. ए/पी-3/88-89/बी एल एस/1715]

एन. एस. कृष्णामूर्ति,
उप-मुख्य नियंत्रक, आयात-निर्यात
कृते मुख्य नियंत्रक आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)
New Delhi, the 7th November, 1988

ORDER

S.O. 3475.—Shri Kanak Raj Pal, 66-A, Kailash Koleyery, Santacruz (East), Bombay-400029, was granted a Customs Clearance Permit No. P/I/3077421 dated 20-6-1988 for Rs. 90,000 (Rupees Ninety thousand only) for import of one Mazda 929-L Car, Engine No. 139918, Chassis No. 103101. The applicant has applied for issue of Duplicate Copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any Customs authority and as such the value of the CCP has not been utilised at all.

2. In support of his contention, the licensee has filed an affidavit duly sworn before appropriate judicial authority. I am accordingly satisfied that the original CCP No. P/I/3077421 dated 20-6-1988 has been lost by the applicant. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955, dated 7-12-1955 as amended from time to time, the said original CCP No. P/I/3077421 dated 20-6-1988 issued to Shri Kanak Raj Paul is hereby cancelled.

3. A duplicate copy of the Customs Clearance Permit is being issued to the party separately.

[F. No. A/P-3/88-89/BLS/1715]

N. S. KRISHNAMURTHY, Dy. Chief Controller
of Imports & Exports,
for Chief Controller of Imports & Exports

उद्योग मंत्रालय

(रसायन और पेट्रो-रसायन विभाग)

नई दिल्ली, 15 नवम्बर, 1988

का. आ. 3476 :—पेट्रोलियम और मिनरल पाइप-लाइन (भूमि में उपयोग के अधिकार का अधिग्रहण) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसार में केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम (1) में उल्लिखित प्राधिकारी को उक्त अनुसूची के कालम (3) की तदनुसूची प्रविष्टि में उल्लिखित क्षेत्रों के अन्दर उक्त अधिनियम के अन्तर्गत सक्षम प्राधिकारी का कार्य करने के लिए प्राधिकृत करती है।

अनुसूची		
व्यक्तियों के नाम	पता	क्षेत्राधिकार
1	2	3
1. श्री जी. एस. गडबोले	मे. पालिओलेफिन इण्डस्ट्रीज लि.,	महाराष्ट्र राज्य
2. श्री एल. एन. नाटू	मफतलाल सेन्टर,	
3. श्री वी. एस. पाटे	नरीमन प्वाइंट	
	बम्बई-400021	

[सं. 45012/5/88—अ. स. (पी सी)]

शार. नटेशन, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Chemicals and Petrochemicals)

New Delhi, the 15th November, 1988

S.O. 3476 :—In pursuance of Clause (a) of Section 2 of Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act 1962 (50 of 1962) the Central Government hereby authorises the authority mentioned in column (i) of the Schedule below to perform the function of Competent Authority under the said Act within the areas mentioned in the corresponding entry in the Column (3) of the said Schedule.

SCHEDULE

Name of the Persons	Address	Territorial Jurisdiction
1	2	3
1. Shri Godbole	M/s Polylefins	State of
2. Shri L.N. Natu	Industries Ltd.,	Maharashtra
3. Shri V.M. Pathe	Mafatlal Centre,	
	Nariman Point,	
	Bombay-400021	

[No. 45012/5/88/US(PC)]
R. NATESAN, Under Secy.

(कम्पनी कार्य विभाग)

नई दिल्ली, 4 नवम्बर, 1988

का. आ. 3477 :—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा स्वदेशी पॉलिटेक्स लि., जिसका पंजीकृत कार्यालय कवि नगर, गाजियाबाद (उ. प्र.) में है, के पंजीकरण के निरस्तीकरण को अधिसूचित करती है, क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से है जिन पर उक्त अधिनियम के भाग-क, अध्याय-3 के उपबन्ध अब लागू नहीं होते हैं।

(पंजीकरण संख्या 1389/78)

[सं. 16/12/88-एम. -3]

(Department of Company Affairs)

New Delhi, the 4th November, 1988

S.O. 3477.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969

(54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Swadeshi Polytext Limited having its registered Office at Kavinagar, Ghaziabad, Uttar Pradesh, the said undertaking being undertaking to which the provisions of part-A Chapter III of the said Act no longer apply.

Registration No. 1389/78).

[No. 16/12/88-M. III]

नई दिल्ली, 7 नवम्बर, 1988

का. आ. 3478 :—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस अधिसूचना के अनुलग्नक में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण को अधिसूचित करती है, क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से है जिन पर उक्त अधिनियम के अध्याय-3 के भाग क अध्याय के उपबन्ध अब लागू नहीं होते हैं।

[सं. 16/12/88-एम.-III]

केवल कृष्ण, अवर सचिव

अधिसूचना सं. 16/12/88-म.-3 का अनुलग्नक

क्रम सं.	उपक्रम का नाम	पंजीकृत कार्यालय	पंजीकरण संख्या
1.	वर्धमान स्पीनिंग एण्ड जनरल मिल्स लि.,	चण्डीगढ़ रोड, जमालपुर-अवना, लुधियाना-141011	1588/82
2.	महावीर स्पीनिंग मिल्स लिमिटेड,	पोस्ट बॉक्स नं. 105, चण्डीगढ़ रोड, लुधियाना-141011	1620/83

New Delhi, the 7th November, 1988

S.O. 3478.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this notification, the said undertaking being undertaking to which the provisions of Part A Chapter III of the said Act no longer apply.

[No. 16/12/88-M. III]

KEWAL KRISHAN, Under Secy.

ANNEXURE TO THE NOTIFICATION NO. 16/12/88-M.III

Sl. No.	Name of the Undertaking	Registered Office	Registration Number
1.	M/s. Vardhman Spg. & Genl. Mills Limited.	Chandigarh Road, Jamalpur Anwara, Ludhiana 141011	1588/82
2.	M/s. Mahavir Spg. Mills Limited.	Post Box No. 105 Chandigarh Road, Ludhiana 141011.	1620/83.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय
नई दिल्ली, 4 नवम्बर, 1988

का. अ. 3479 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एलाव-2 से एस. डब्ल्यू. एम. बी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूचियों में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सख्त प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफत।

अनुसूची

एलाव-2 से एस. डब्ल्यू. एम. बी. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : हासोट		
गाँव	ब्लॉक नं.	हेक्टेयर	घर	सेन्टीयर
1	2	3	4	5
अणीयादरा	171/बी	0	02	47
	234	0	23	85
	174	0	07	25
	173	0	00	14
	233/ए-बी	0	08	56
	232	0	15	21
	180/बी/1	0	01	17
कार्टट्रेक		0	01	43
	182	0	02	47
	185	0	22	50
	186	0	09	49
	168/ए-बी	0	07	29
	118/ए-बी	0	14	43
	111	0	02	40
	113	0	00	70
	112	0	07	48

1	2	3	4	5
	109/ए-बी	0	14	63
	103	0	00	90
	102/ए	0	10	40
	27	0	18	20
	59/ए-बी	0	10	72
	60	0	08	35
	58	0	15	96
	45	0	10	25
	46/ए-बी	0	13	39
	51/ए-बी	0	19	89
	50	0	06	63
	48/बी	0	06	89

[स. अ. -11027/80/88—आर एन जो-डी III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th November, 1988

S.O. 3479.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELLAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 to SWMB.

State : Gujarat District : Bharuch Taluka : Hansot				
Village	Block No.	Hect Are Centiare		
1	2	3	4	5
ANITYADRA	171/B	0	02	47
	234	0	23	85
	174	0	07	25
	173	0	00	14
	233/A-B	0	08	56
	232	0	15	21
	180/B/1	0	01	17
	Cart track	0	01	43
	182	0	02	47
	185	0	22	50
	186	0	09	49
	168/A-B	0	07	29

1	2	3	4	5
	118/A-B	0	14	43
	111	0	02	40
	113	0	00	70
	112	0	07	48
	109/A-B	0	14	63
	103	0	00	90
	102/A	0	10	40
	27	0	18	20
	53/A-B	0	10	71
	60	0	08	35
	58	0	15	85
	45	0	10	25
	46/A-B	0	13	39
	51/A-B	0	19	89
	50	0	06	63
	48/B	0	05	89

[No. O-11027/80-88-ONG-D.III]

का.आ. 3480.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ईलाक-2 से एस डब्ल्यू एस बी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एकाग्रित अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) परत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवृद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सन्नम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को हस्त अभिवृत्ता की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसको सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफत।

अनुसूची

ईलाक-2 से एस डब्ल्यू एस बी तक पाइप लाइन बिछाने के लिए

राज्य: गुजरात	जिला: भरुच	तालुका : संतोड		
गांव	क्रमांक नं.	हेक्टेयर	भार.	हॉटलयर
सुगेवबुर्ग	104	0	05	46
	105	0	08	45
	107	0	08	19

1	2	3	4	5
	108	0	19	93
	109	0	06	95
	116	0	11	12

[सं.ओ. 11027/179/88-ओ एन जी डी-III]

S.O. 3480.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELLAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390309).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 to SWMB

State : Gujarat District : Bharuch Taluka : Hantod

Village	Block No.	Hectare	Ac	Centiare
Sunekkhurd	104	0	05	46
	105	0	08	45
	107	0	08	19
	103	0	19	93
	109	0	06	95
	116	0	11	12

[No. O-11027/179/88-ONG-D.III]

का.आ. 3481.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ईलाक-2 से एस डब्ल्यू एस बी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के लिये एकाग्रित अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

बशर्त कि उक्त भूमि में हितवन्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और लेखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़त।

अनुसूची

एलाव-2 से एस. डब्ल्यू. एम. बी. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिना : भरुच तालुका : हासोट

गांव	ब्लॉक नं.	हेक्टेयर आर.	सेंटियर	
1	2	3	4	5
एलाव	612	0	07	93
	613	0	06	95
	611	0	12	99
	610	0	08	38
	609	0	10	79
	598	0	00	35
	597	0	10	96
	539	0	03	64
	569	0	22	75
	568	0	16	25
	567	0	16	35
	563	0	10	23
	362	0	01	04
	561/ए-बी	0	13	26
	537	0	05	46

[सं. ओ.-11027/177/88-ओ एन जी/डी-III]

S.O. 3481.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELLAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 TO SWMB.

State : Gujarat District : Bharuch Taluka : Hansot

Village	Block No.	He- tare	Are Cent- tiare
Ellav	612	0	07 93
	613	0	06 96
	611	0	12 99
	610	0	08 38
	609	0	10 79
	598	0	00 35
	597	0	10 94
	539	0	03 64
	569	0	22 75
	568	0	16 25
	567	0	16 35
	563	0	10 23
	362	0	01 04
	561/A-B	0	13 26
	537	0	05 46

[N. O-11027/177/88 -ONG-D.III]

का.आ. 3482.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में इलाव-2 से एसडब्ल्यूएमबी तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्भावध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिक का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्त कि उक्त भूमि में हितवन्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और लेखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी व्यवसायी की माफ़त एलाव-2 से एस. डब्ल्यू. एम. बी. तक पाइपलाइन बिछाने के लिए।

गांव	ब्लॉक नं.	हेक्टेयर आर.	सेंटियर
बलोटा	696	0	04 40
	694	0	14 17

1	2	3	4	5
	691	0	03	53
	692	0	12	50
	684	0	05	85
	685	0	04	55
	683	0	00	80
	686	0	06	24
	675	0	19	24
	651/ए-बी	0	11	05
	649	0	05	59
	653	0	00	27
	654	0	18	58
	655	0	13	91
	606	0	03	16
	607	0	10	89
	605	0	11	18
	600	0	10	01
	कार्ट ट्रैक	0	05	59
	390/ए-बी	0	07	15
	474/ए-बी	0	04	68
	392	0	00	35
	473	0	04	68
	472	0	11	44
	470	0	19	50
	469	0	04	68
	488/ए-बी	0	04	81
	489	0	15	34
	490	0	04	81
	491	0	04	68
	492	0	07	70
	499	0	03	78
	496	0	04	81
	498	0	07	15
	497	0	02	80
	525	0	05	98
	526	0	10	87

[सं. ओ.-11027/178/88-ओ एन जी बी III]

S.O. 3482.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELLAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 to SWMB

State : Gujarat	District : Bharuch	Taluka : Hansot		
Village	Block No.	Hec- tare	Are	Cent- tiare
1	2	3	4	5
Balota	696	0	04	40
	694	0	14	17
	691	0	03	53
	692	0	12	50
	684	0	05	85
	685	0	04	55
	683	0	00	80
	686	0	06	24
	675	0	19	24
	651/A-B	0	11	05
	649	0	05	59
	653	0	00	27
	654	0	18	58
	655	0	13	91
	606	0	03	16
	607	0	10	89
	605	0	11	18
	600	0	10	01
	Cart track	0	05	59
	390/A-B	0	07	15
	474/A-B	0	04	68
	392	0	00	35
	473	0	04	68
	472	0	11	44
	470	0	19	50
	469	0	04	68
	488/A-B	0	04	81
	489	0	15	34
	490	0	04	81
	491	0	04	68
	492	0	07	70
	499	0	03	78
	496	0	04	81
	498	0	07	15
	497	0	02	80
	525	0	05	98
	526	0	10	87

[No. O-11027/178/88-ONG. D. III]

का.प्रा. 3483.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में इलव-2 से एस. डब्ल्यू.एम. बी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेन तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एलदुपायक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने इसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

अर्जों कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सख्त प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और वेवमाल प्रभाग, मकरपुरा रोड, बड़ीश-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करते आने पर हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत

अनुसूची

ईलाव-2 में एस. डब्ल्यू. एम. वी. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिना : मदन तालुका : हांसोट

गांव	ब्लॉक नं.	हेक्टर	आर.	सेंटीयर
रायमा	357	0	02	39
	358	0	15	10
	359/ए-बी	0	14	56
	360	0	05	35
	361	0	03	63
	371	0	07	54
	372	0	14	56
	369	0	12	09
	312	0	02	86
	313	0	08	50
	373	0	03	12
	314	0	09	75
	315	0	03	38
	316	0	04	94
कार्ट ट्रैक		0	02	52
	297/ए-बी	0	09	65
	303	0	09	32
	298	0	18	33
	304	0	11	31
	300	0	04	07

[सं. ओ. 11027/176/88-ओ एन जी डी-III]

S.O. 3483.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELLAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto,

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 To SWMB

State : Gujarat	District : Bhavnagar	Taluka : Hansot		
Village	Block No.	Hec-tare	Are	Centiare
Rayma	357	0	02	39
	358	0	15	10
	359/A-B	0	14	56
	360	0	05	35
	361	0	03	63
	371	0	07	54
	372	0	14	56
	369	0	12	09
	312	0	02	86
	313	0	06	50
	373	0	03	12
	314	0	09	75
	315	0	03	38
	316	0	04	94
	Cart track	0	02	52
	297/A-B	0	09	65
	303	0	09	32
	298	0	18	33
	304	0	11	31
	300	0	04	07

[No. O-11027/176/88-ONG-D.III]

मई दिल्ली, 10 नवम्बर, 1988

का.आ. 3484.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे.एन.ए.क्यू. से टी बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एन.ए. द्वारा घोषित किया है।

वशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सख्त प्राधिकारी, सेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

जे.एन.ए.क्यू. से टी बिन्दु तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : जंबूसर

गांव सर्वे. हेक्टेयर आर. सेंटीयर

1	2	3	4	5
जंबूसर	1804	0	04	81
	1805	0	16	79
	1802	0	00	70
	1801	0	12	56
	1795	0	17	10
	1796	0	16	50
	1793	0	22	80
	1794	0	02	85
	1790	0	24	67
	1791	0	00	72
	1766	0	07	20
	1797	0	03	91
	1765	0	22	74
	1763	0	22	17
	1762	0	29	20
	1760/1	0	21	30
	1849	0	23	40
	1848	0	10	64
	1847	0	12	82
	1846	0	04	50
	1841+1852	0	24	30
	1853	0	11	10
	1854	0	14	70
	1876	0	27	90
	1877	0	09	00
	1879	0	15	90

1	2	3	4	5
	1880	0	21	00
	2013	0	08	56
	2014	0	02	43
	2015	0	12	17
	2016	0	14	40
	2018	0	14	10
	2019	0	41	70

[सं. ओ. 11027/24/88-ओ एन जो डी-III]

New Delhi, the 10th November, 1988

S.O. 3484.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNAQ TO T CONNECTION

State : Gujarat	District : Bharuch	Taluka : Jambusar	Survey No.	Hec- Are	Centiare
1	2	3	4	5	
Jambusar	1801	0	04	81	
	1805	0	16	79	
	1802	0	00	70	
	1801	0	12	56	
	1795	0	17	10	
	1796	0	16	50	
	1793	0	22	80	
	1794	0	02	85	
	1790	0	24	67	
	1791	0	00	72	
	1766	0	07	20	
	1997	0	03	91	
	1765	0	22	74	
	1763	0	22	17	
	1762	0	29	20	
	1760/1	0	21	30	
	1849	0	23	40	
	1848	0	10	64	

1	2	3	4	5	1	2	3	4	5
	1847	0	12	82					
	1846	0	04	50					
	1841+1852	0	24	30		260	0	04	20
	1853	0	11	10		265	0	07	80
	1854	0	14	70		266	0	00	16
	1876	0	27	90		268	0	09	90
	1877	0	09	00		269	0	02	70
	1879	0	15	90		270	0	03	30
	1880	0	21	00		271	0	10	56
	2013	0	08	56		220	0	25	20
	2014	0	02	43		274	0	02	70
	2015	0	12	17		276	0	07	80
	2016	0	14	40		277	0	09	90
	2018	0	14	10		278	0	05	70
	2019	0	41	70		281	0	09	30

[No. O-11027/24/88-ONG-D.-III]

का.आ. 3485.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे.एन.ए.क्यू. से टी. बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपायक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1982 (1982 का 50) की धारा 3 की उपधारा द्वारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

यद्यपि कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

जे.एन.ए.क्यू. से टी बिन्दु तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : जेबुसर		
गांव	ब्लाक नं.	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
मगनाद	253	0	15	00
	258	0	06	00
	259	0	03	90

[सं. ओ. 11027/23/88-ओ एन जी डी-III]

S.O. 3485.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNAQ TO T POINT

State : Gujarat District: Bharuch Taluka : Janibisar

Village	Block No.	Hec- tare	Are	Cent- teare
1	2	3	4	5
Magnad	253	0	15	00
	258	0	06	00
	259	0	03	90
	260	0	04	20
	265	0	07	80
	266	0	00	16
	268	0	07	50
	269	0	02	70
	270	0	03	30
	271	0	10	56
	270	0	25	30
	274	0	02	70
	276	0	07	80
	277	0	09	50
	278	0	05	70
	281	0	09	30
	282	0	08	97
	280	0	05	65
	283	0	06	24
	293	0	06	96
	294	0	09	60
	292	0	00	08
	291	0	21	84
	288	0	01	36
	290	0	06	70
	289	0	11	40
	360	0	08	00
	359	0	07	98
	358	0	08	10
	362	0	00	06
	366	0	10	20
	267	0	06	90
	265	0	04	35
	368	0	05	43
	377	0	19	55
	375	0	05	15

1	2	3	4	5
	380	0	12	60
	381	0	02	08
	388/A	0	07	70
	388/B	0	04	02
	389/A	0	02	24
	392	0	11	60
	393	0	28	80
	396/B	0	01	80
	267	0	02	50
	287	0	00	50

[No. O-11027/23/88—ONG-D.III]

का. आ. 3486—यहां केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे. एन. ए. क्यू. से टी. बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जाती चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों के बिछाने के प्रयोजन के लिये एतद्वाचक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अन्न पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों की प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवश कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिनियम की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

जे. एन. ए. क्यू. से टी. बिन्दु तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर

गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
कुन्डाल	9	0	03	60
	7	0	05	70

[सं. ओ. 11027/22/88-ओ एन जी डी III]

S.O. 3486.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (59 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNAQ TO T POINT

State : Gujarat	District : Bharuch	Taluka : Jambusar		
Village	Block No.	Hec- tare	Ac tate	Can tiare
Kundal	9	0	03	60
	7	0	05	70

[No. O-11027/22/88-ONG.D.III]

का. आ. 3487.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे. ऐन. ऐ. ब्यू. से टी. बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी ज़ादों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रयत्न व्यक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा धारित किया है।

वर्तमान कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए साक्ष्य, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी गुनवाई व्यक्तिगत रूप से हो या कि वो विधि व्यवस्था के माफ़त।

अनुसूची.

जे. ऐन. ऐ. ब्यू. से टी बिन्दु तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : जंबसर

गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
महापुरा	200	0	28	52
	201	0	10	20
	194	0	06	30
	188/ए	0	24	60
	193	0	11	40
	192	0	06	90
	191	0	03	60
	190	0	03	30
	198	0	19	50
	188/बी	0	15	30
	122	0	39	00
	121	0	3	80
	93	0	06	30
	119	0	07	38
	117	0	13	20
	115	0	15	60
	101	0	15	50

[सं. ओ. 11027/21/88-ओ एन जी डी III]

S.O. 3487.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNAQ TO T POINT

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hec- tare	Acre	Centi- tiare
Mahapara	200	0	28	52
	201	0	10	20
	194	0	06	30
	188/A	0	24	60
	193	0	11	40
	192	0	06	90
	191	0	03	60
	190	0	03	30
	198	0	19	50
	188/B	0	15	30
	122	0	39	00
	121	0	13	80
	93	0	06	30
	119	0	07	38
	117	0	13	20
	115	0	15	60
	101	0	15	50

[No. O-12027/26/88—ONG-D.III]

का. भा. 3488.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे. ऐन. ऐ. क्यू. से टी. बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदप्राप्त अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार, अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

यशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सभ्य अधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और बेजबाल प्रमाण, मकरपुरा रोड, बकौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करनेवाला हर व्यक्ति विनिर्दिष्ट : यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़त।

अनुसूची

जे. ऐन. ऐ. क्यू. से टी. बिन्दु तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर

गांव	ब्लॉक नं.	हेक्टर	अरर	सेन्टीयर
वासेटा	10	0	06	00
	6	0	26	40
	5	0	11	55
	2	0	09	00
	296	0	13	50

[सं. ओ. 11027/20/88—ओ. एन. जी. डी-III]

S.O. 3488.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNAQ TO T POINT

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hec- tare	Acre	Centi- tiare
Vaseta	10	0	06	00
	6	0	26	40
	5	0	11	55
	2	0	09	00
	296	0	13	50

[No. O-11027/20/88—ON..G-D.III]

का. भा. 3489.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे. ऐन. ऐ. क्यू. से टी. बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एन.एन.जी.डी. अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित किया है।

नर्शते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग मकरपुरा रोड़, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथना करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़त।

अनुसूची

जे. एन. ए. ग्यू. से टी बिन्दु तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात		जिला: भरुच तालुका: जंबुसर		
गांव	ब्लॉक नं.	हेक्टेयर	प्रार. सेंटीयर	
1	2	3	4	5
कलक	358	0	20	10
	360	0	11	70
	369	0	00	48
	363	0	11	31
	364	0	02	30
	366	0	00	90
	365	0	13	50
	388	0	39	48
	384	0	16	50
	383	0	06	90
	330	0	09	00
	329	0	16	80
	326	0	09	30
	305	0	27	66
	304	0	08	25
	242	0	24	30
	239	0	16	50
	252	0	10	12

1	2	3	4	5
251		0	01	44
254		0	11	90
255		0	10	60
256		0	06	66
229		0	04	20
228		0	11	60
227		0	23	40
220		0	20	25
204		0	13	65
209		0	30	40
205		0	10	60
203		0	05	70
185		0	06	30
178		0	20	10
628		0	22	35
631		0	30	20
630		0	00	50
632		0	06	50
639		0	29	25
639		0	14	70
642		0	32	70
670		0	16	65
668		0	19	00
667		0	05	25

[सं. ओ. 11027/19/88 ओ.एन.जी.डी. III]
के विवेकानन्द, हेड अधिकारी

S.O. 3489.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNAQ to T Point in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNAQ to T Point

State : Gujarat Dist. : Bharuch Taluka : Jamnagar

Village	Block No.	Hectare	Are	Centiare
KALAK	358	0	20	10
	360	0	11	70
	369	0	00	48
	363	0	11	31
	364	0	02	30
	366	0	00	90
	365	0	13	50
	388	0	39	48
	384	0	16	50
	383	0	06	90
	330	0	09	00
	329	0	16	80
	328	0	09	30
	305	0	27	66
	304	0	08	25
	242	0	24	30
	239	0	16	50
	252	0	10	12
	251	0	01	44
	254	0	11	90
	255	0	10	60
	256	0	06	66
	229	0	04	20
	228	0	11	60
	227	0	23	40
	220	0	20	25
	204	0	13	65
	209	0	00	40
	205	0	10	60
	203	0	05	70
	185	0	06	30
	178	0	20	10
	628	0	22	35
	631	0	30	20
	630	0	00	50
	632	0	06	50
	606	0	29	25
	639	0	14	70
	642	0	32	70
	670	0	16	65
	668	0	19	00
	667	0	05	25

[No. O-11027/19/88/ONG-D.III]

K. VIVEKANAND, Desk Officer

नई दिल्ली, 10 अगस्त, 1988

प्र. क्र. 31, 35, 36, 37, 39, 40, 41/84-85
4/85-86, 11/87-88

का० आ० 3490.—चूँकि गैस अथॉरिटी ऑफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनेरल पाइप लाइन एक्ट, 1962 के अंतर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाएँ ग्रामों में उपयोग

अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में कलाज 1 धारा 7 (1) पेट्रोलियम एण्ड मिनेरल पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 8-8-88 को पूर्ण कर दिया है।

अतः मैं, एम. सी. रेजा सक्षम प्राधिकारी गुना नियम 4 (1) पेट्रोलियम एण्ड मिनेरल पाइप लाइन नियम, 1963 के अंतर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधि-सूचित करता हूँ।

राज्य : मध्य प्रदेश जिला : गुना, तहसील : रावोगढ़

अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1	डोंगर	8-8-88
2	सकतपुर	8-8-88
3	विजयपुर	8-8-88
4	उदयपुरी	8-8-88
5	कोटरा	8-8-88
6	ककवासा	8-8-88
7	कुबुलपुरा	8-8-88

Case No. 31, 35, 36, 37, 39, 40, 41/84-85 4/85-86, 11/87-88

New Delhi, the 10th August, 1988

S. O. 3490.—Whereas [Gas] Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause (1) of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 8-8-88.

I, M.C. Reja, Competent Authority, Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State : Madhya Pradesh District : Guna Tahsil : Raghogad

S. No.	Name of the village	Date of termination of the operation
1.	Dongar	8-8-88
2.	Sakatpur	8-8-88
3.	Vijaypur	8-8-88
4.	Udayapuri	8-8-88
5.	Kotra	8-8-88
6.	Kakwasa	8-8-88
7.	Kubulpura	8-8-88

नई दिल्ली, 9 सितम्बर, 1988

का आ. 3491.—चूँकि गैस अथॉरिटी आफ इंडिया लि. ने धारा 6(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नांकित अनुसूची में दशविं ग्रामों में उपयोग का अधिकार अर्जन किया है एवं वह उक्त ग्रामों में कक्षा 1 धारा 7(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन एक्ट, 1962 में उचितता सट्टा लाइन डालने का कार्य दिनांक 6 अगस्त, 1988 को पूर्ण कर लिया है। अतः यी, मोहनलाल गुप्ता, सक्षम प्राधिकारी, कोटा, नियम 4(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एनद्द्वारा उपरोक्त उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करना है।

अनुसूची				
क्रमांक	नाम	नाम तहसील	नाम जिला	का. आ. संख्या कार्य समाप्ति का दिनांक
1.	लोलाहेड़ी	अट्रु	कोटा	1558 6 अगस्त 88
2.	सिन्दही जागीर	"	"	1557 "
3.	नीमोदा	"	"	1132 "
4.	हनीहेड़ा	"	"	1548 "
5.	दडा	"	"	1133 "
6.	बलदेवपुरा	"	"	1134 "
7.	बरडा	"	"	1549 "
8.	खेड़लीवासला	"	"	1131 "
9.	अटप	"	"	1130 "
10.	बड़किया	"	"	1546 "
11.	मैरमाचाह	"	"	1123 "
12.	अरडोंद	"	"	1129 "
13.	बगली	"	"	1127 "
14.	अरडाना	"	"	1124 "
15.	आमली	"	"	1126 "
16.	बरडाना	"	"	1128 "
17.	छजावा	"	"	1125 "

[सं. एन ओ/मीए/एनटीओ/88/1]

New Delhi, the 9th September, 1988

S.O. 3491.—Whereas Gas Authority of India Ltd. has acquired the right of user under Section 6(i) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the schedule given below and has completed the laying of pipeline as referred to in Clause 1 of Section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in these villages on 6th Aug., 88. I M.L. Gupta, Competent Authority, Kota hereby notify under Rule 4(i) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation of laying the pipeline in these villages.

SCHEDULE

S. No.	Name of the village	Name of Tehsil	Name of District	S.O. No.	Date of termination of the operation
1	2	3	4	5	6
1.	Lolaheri	Atru	Kota	1558	6th Aug. 88
2.	Sindani Jagir	"	"	1557	"
3.	Nimoda	"	"	1132	"
4.	Hanihera	"	"	1548	"

1	2	3	4	5	6
5. Dara	Atru	Kota	1133	6th Aug., 88	
6. Baldevpura	"	"	1134	"	
7. Barala	"	"	1549	"	
8. Khedlivasla	"	"	1131	"	
9. Atru	"	"	1130	"	
10. Badakiya	"	"	1546	"	
11. Mermacha	"	"	1123	"	
12. Aradan	"	"	1129	"	
13. Bagali	"	"	1127	"	
14. Aradana	"	"	1124	"	
15. Amali	"	"	1126	"	
16. Chardana	"	"	1128	"	
17. Chajava	"	"	1132	"	

[No. LO/CA/NT0/88/1]

का.आ.3492.—चूँकि गम अथॉरिटी ऑफ इंडिया लि. ने धारा 6(1) पेट्रोलियम एंड मिनरल्स पाइप लाइन एक्ट, 1962 के अंतर्गत पाइप लाइन डालने हेतु निम्नांकित अनुसूची में दर्शाये ग्रामों में उपयोग का अधिकार अर्जन किया है एवं वह उक्त ग्रामों में कलाज 1 धारा 7(1) पेट्रोलियम एंड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 6 अगस्त, 88 को पूर्ण कर लिया है। अब मैं, मोहनलाल गुप्ता, सक्षम प्राधिकारी, कोटा नियम 4 (1) पेट्रोलियम एंड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्द्वारा उपरोक्त उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अभिसूचित करता हूँ।

अनुसूचा

क्रमांक	नाम	नाम तहसील	नाम जिला	का. आ. संख्या	कार्य समाप्ति का दिनांक
1.	गोरधनपुरा	बारा	कोटा	471	6 अगस्त, 88
2.	बराणा	"	"	441	"
3.	इकलैरा	"	"	440	"
4.	मण्डौली	"	"	464	"
5.	मण्डौला	"	"	456	"
6.	दुर्जनपुरा	"	"	447	"
7.	अम्बापुरा	"	"	450	"
8.	कल्याणपुरा	"	"	970	"
9.	सलावड़ा	"	"	457	"
10.	नलका	"	"	438	"
11.	काजीखेड़ा	"	"	448	"
12.	सुन्दलक	"	"	443	"
13.	मैलखेड़ी	"	"	453	"
14.	बोरड़ी	"	"	465/2194	"
15.	बड़ा	"	"	466/2195	"
16.	आंकेड़ी	"	"	2196	"
17.	धामली	"	"	2340	"
18.	राजपुरा	"	"	2193	"

[सं. एल आर/सोर/एन टी ओ/88/रे]

S.O. 3492.—Whereas Gas Authority of India Ltd. has acquired the right of user under Section 5(i) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the schedule given below and has completed the laying of pipeline as referred to in Clause 1 of Section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in these villages on 6th Aug., 88. I, M.L. Gupta, Competent Authority, Kota hereby notify under Rule 4(i) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation of laying the pipeline in these villages.

SCHEDULE

S. No.	Name of the village	Name of Tehsil	Name of District	S.O. No.	Date of termination of the operation
1.	Gordhanpura	Barna	Kota	471	6th Aug., 88
2.	Barana	"	"	441	"
3.	Eklara	"	"	440	"
4.	Mandoli	"	"	464	"
5.	Mandola	"	"	456	"
6.	Durjanpura	"	"	447	"
7.	Ambapura	"	"	450	"
8.	Kalyanpura	"	"	970	"
9.	Talawada	"	"	457	"
10.	Nalka	"	"	438	"
11.	Kajikheda	"	"	448	"
12.	Sundlak	"	"	443	"
13.	Melkhedi	"	"	453	"
14.	Bordi	"	"	465/2194	"
15.	Bada	"	"	466/2195	"
16.	Ankheri	"	"	2196	"
17.	Thamli	"	"	2340	"
18.	Rajpura	"	"	2193	"

[No. LO/CA/NTD/88/1]

का. आ. 3493.—चूंकि गैस अथॉरिटी आफ इंडिया लि. ने धारा 6(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन एक्ट, 1962 के अंतर्गत पाइप लाइन डालने हेतु निम्नांकित अनुसूची में दर्शाये ग्रामों में उपयोग का अधिकार अर्जन किया है एवं वह उक्त ग्रामों में कलाज धारा 7(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 6 अगस्त, 88 को पूर्ण कर लिया है। अतः मैं, मोहनलाल गुप्ता, सक्षम प्राधिकारी, कोटा नियम 4(1) पेट्रोलियम एंड मिनेरल्स पाइप लाइन नियम, 1963 के अंतर्गत एतद्द्वारा उपरोक्त उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

अनुसूची

क्रमांक	नाम	नाम तहसील	नाम जिला	का. आ. संख्या	कार्य समाप्ति का दिनांक
1	टारडा	मांगरोल	कोटा	2201	6 अगस्त, 88
2	सोरखण्डकला	"	"	2191	"
3	डाबरी काकाबी	"	"	2198	"
4	पलसावा	"	"	976-ए	"
5	काकरी	"	"	477-ए	"
6	चक साहूवाप	"	"	475-आ	"

[सं. एल ओ/सी ए/न टी ओ/88/1]

S. O. 3493.—Whereas Gas Authority of India Ltd. has acquired the right of user under Section 6(i) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the schedule given below and has completed the laying of pipeline as referred to in Clause 1 of section 7(i) of the Petroleum and Mineral Pipeline Act, 1962 in these villages on 6th August, 1988. I, M.L. Gupta Competent Authority, Kota hereby notify under Rule 4 (i) of the Petroleum and Minerals pipeline Rules 1963 the abovementioned date as the date of termination of operation of laying the pipeline in these villages.

SCHEDULE

S. No.	Name of the village	Name of Tehsil	Name of District	S.O. No.	Date of termination of the operation
1.	Trada	Mangrol	Kota	2201	6th Aug., 88
2.	Saurkhandkalan	"	"	2191	"
3.	Dabri Kakaji	"	"	2193	"
4.	Palsava	"	"	976-A	"
5.	Kachri	"	"	477-A	"
6.	Chak Sahabad	"	"	475-A	"

[No. LO/CA/NTD/88/1]

का. आ. 3494.—चुकि गैस अथॉरिटी ऑफ इंडिया लि. ने धारा 6(1) पेट्रोलियम एंड मिनरल्स पाइप लाइन एक्ट 1962 के अंतर्गत पाइप लाइन डालने हेतु निम्नांकित अनुसूची में दर्शाये ग्रामों में उपयोग का अधिकार अर्जन किया है एवं वह उक्त ग्रामों में कलाज 1 धारा 7/1 पेट्रोलियम एंड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 6 अगस्त 1988 को पूर्ण कर लिया है। अतः मैं, मोहनलाल गुप्ता सक्षम प्राधिकारी कोटा नियम 4/1 पेट्रोलियम एंड मिनरल्स पाइप लाइन नियम 1963 के अंतर्गत एतद्वारा उपरोक्त उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

अनुसूची

क्रमांक	नाम	नाम तहसील	नाम जिला	का. आ. संख्या	कार्य समाप्ति का दिनांक
1	गोडिया मेहर	छावड़ा	कोटा	1910	6 अगस्त 1988
2	बटावदापार	"	"	1903/2298	"
3	शकूरपुरा उर्फ मोतीपुरा	"	"	1907	"
4	राहरोन	"	"	1908	"
5	बावचा	"	"	1905	"
6	नियामतपुरा	"	"	1512	"
7	भूलोन	"	"	1904	"
8	कमालपुरा	"	"	1850	"
9	बट्टी	"	"	1554	"
10	यमीनपुरा उर्फ नयागाव	"	"	1553	"
11	बट्टा	"	"	1551	"
12	बिन्दाराधी	"	"	2991	"
13	चाबोड़ा	"	"	3703	"
14	हनवतखेड़ा	"	"	1514	"
15	छवड़ा	"	"	1906	"
16	रोछड़ा	"	"	1555	"
17	खोपर	"	"	1513	"
18	कालाखेडी	"	"	1556	"
19	भीरा	"	"	1552	"
20	केशोला	"	"	3869	"
21	पीपल्या	"	"	1515	"
22	रोछड़ी	"	"	1559	"
23	गोसा	"	"	1909	"

[सं०एन० ओ/सीए/एन्टीओ/88/1]

S. O. 3494.—Whereas Gas Authority of India Ltd. has acquired the right of user under Section 6(i) of the Petroleum and Minerals Pipeline Act 1962 for laying the pipeline in the villages mentioned in the schedule given below and has completed the laying of pipeline as referred to in Clause 1 of section 7(i) of the Petroleum and Minerals Pipeline Act, 1962 in these villages on 6/8/88. I. M.L. Gupta Competent Authority, Kota hereby notify under Rule 4(i) of the Petroleum and Minerals pipeline Rules 1963 the above mentioned date as the date of termination of operation of laying the pipeline in these villages.

SCHEDULE

S. No.	Name of the village	Name of Tehsil	Name of District	S.O. No.	Date of termination of the operation
1	2	3	4	5	6
1.	Godiya Mehar	Chhabra	Kota	1910	6th Aug., 88
2.	Batavadapar	"	"	1903/229-E	"
3.	Shakurpura@ Motipura	"	"	1907	"
4.	Rahron	"	"	1908	"
5.	Babcha	"	"	1905	"
6.	Niyamatpura	"	"	1512	"
7.	Bhulon	"	"	1904	"
8.	Kamalpura	"	"	1550	"
9.	Chatti	"	"	1554	"
10.	Yaminpura (Nayagaon)	"	"	1553	"
11.	Chatta	"	"	2551	"
12.	Bindaradi	"	"	2991	"
13.	Chachora	"	"	3703	"
14.	Hanuvatkhera	"	"	1514	"
15.	Chhabra	"	"	1906	"
16.	Richara	"	"	1555	"
17.	Khopar	"	"	1513	"
18.	Kalakheri	"	"	1556	"
19.	Bhonra	"	"	1552	"
20.	Kesholi	"	"	3869	"
21.	Pipliya	"	"	1515	"
22.	Richari	"	"	1559	"
23.	Rinjha	"	"	1909	"

[No. LO/CA/NT0/88/1]

नई दिल्ली, 17 सितम्बर, 1988

का.अ. 3495 --यह आदेश गैस प्राधिकरण के द्वारा जैसा कि यहां संलग्न आदेशों में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का प्रजनन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अंतर्गत प्रस्तुत किया गया है, गुजरात राज्य में उपर्युक्त निर्दिष्ट भूमि में व्ययक्त रूप से वायोमीया के अधीन की गई पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार प्रदान किये गये हैं।

इस अधिनियम ऑफ इंडिया लि. ने उपर्युक्त नियम के खंड-7 के उपखंड (1) की धारा (i) में निर्दिष्ट कार्य दिनांक 17-8-88 से समाप्त कर दिया गया है।

यह अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का प्रजनन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम प्राधिकारी द्वारा उक्त कार्य समाप्त की तिथि अधिसूचित करते हैं।

सूची

वावोडिया में आई. पी. सी. एन तक पट्टन लाइन कार्य समाप्ति

मंत्रालय का नाम	वावोडा तहसील के गांव	का. प्रा.प.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	(1) हर्नी	1521	8-8-87	17-8-88
	(2) दुमाड	1522		
	(3) दशरथ	1528		
	(4) कश्चीया	1533		
	(5) आमलीयुरा	1534		
	(6) देना	1535		
	(7) कोटाली	1536		
	(8) वेमाली	1537		
	(5) 574 87 जीपी	सं.ओ०-14016	(1) 568-86/जीपी	
	(6) 580		(2) 567	
	(7) 575		(3) 572	
	(8) 576		(4) 558	

New Delhi, the 17th September, 1988

S. O. 3495.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Waghodia to I.P.C.L. in Gujarat State,

And whereas the Gas Authority of India Ltd. has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 17-8-88,

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of Pipeline from D.S. Waghodia to I.P.C.L.

Name of Ministry	Baroda Taluka Village's	S. N. No.	Date of publication in the Gazette of India	Date of termination of operation
1	2	3	4	5
Petroleum and Natural Gas	(1) Harni	1521	8 6 87	17-8-88
	(2) Dumad	1522		
	(3) Dashrath	1528		
	(4) Kaschiya	1533		
	(5) Amaliyuri	1534		
	(6) Dena	1535		
	(7) Kotali	1536		
	(8) Vemali	1537		
		(1) 5681		
		(2) 5671		
		(3) 5721		
		(4) 5581		
		(5) 574 87 G.P.		
		(6) 580 "		
		(7) 575 "		
		(8) 576 "		

का. भा. 3496.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड 6 के उपखंड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में दक्क विनिर्दिष्ट भूमि में व्यपन्न स्थल सं. वाघोडीया से आई.पी.सी.एल. तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

गैस अथॉरिटी ऑफ इंडिया लि० ने उपर्युक्त नियम के खंड 7 के उपखंड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 17-8-88 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अंतर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि का कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

वाघोडीया से आई.पी.सी.एल. तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	तहसील वाघोडीया के गांव	का. भा.स.	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम और प्राकृतिक गैस विभाग	(1) जेसिंगपूरा	1523	8-6-87	17-8-88
	(2) नीमेटा	1524		
	(3) कुमेटा	1525		
	(4) वाघोडीया	1526		
	(5) बाकरोल	1527		
	(6) मोनोवर्द्ध	1529		
	(7) अलवा	1530		
	(8) नर्या जाबुवीर	1531		
	(9) गजाधरा	1532		
	(6) 570/87 जीपी		सं. O-14016/(1)	581/87 जीपी
	(7) 579/87			(2) 571
	(7) 579/87			(3) 569
	(8) 573/87			(4) 579
	(8) 573/87			(4) 578
	(9) 577/87			(6) 582

S. O. 3496.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user land) Act 1962 the right of user has been acquired in the specified in the schedule appended thereto for the transport of petroleum from d.s. Waghodia to I.P.C.L. in Gujarat State,

And whereas the Gas Authority of India Ltd., has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 17-8-88.

Now therefore under Rule 4 of the Petroleum Pipeline (Acquisition of right of user in land) Rules; 1963 the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

TERMINATION OF PIPELINE FROM D. S. WAGHODIA to I.P.C.L.

Name of Ministry	Waghodia Taluka Village's	S. N. No.	Date of publication in the Gazette of India	Date of termination of operation
1	2	3	4	5
Petroleum and Natural Gas	(1) Jesingpooa	1523	8-6-87	17-8-87
	(2) Nimeta	1524		
	(3) Kumetha	1525		

1.	2.	3.	4.	5.	6.
		(4) Waghodia	1526		
		(5) Bakrol	1527		
		(6) Bhaledkhund	1529		
		(7) Alwa	1530		
		(8) Jambunew	1531		
		(9) Gajadhara	1532		
		(1) 581			
		(2) 571			
		(3) 569			
		(4) 578/87 G.P.			
		(5) 582 ..			
		(6) 570 ..			
		(7) 579 ..			
		(8) 573 ..			
		(9) 577 ..			

[No. O-14016/3/569/87-G.P.]

नई दिल्ली, 8 नवम्बर, 1988

का. आ. 3497:—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962) (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.सं. 156(अ) तारीख 12-2-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आणव्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकारी केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जिला	परगना	तहसील	नाम ग्राम	चक नम्बर	खसरा नम्बर	रकबा	विवरण
1	2	3	4	5	6	7	8
बदायूं	इसलाम नगर	बिसौली	सैकुवा बंज	130	5	0-1-0	0-4-00
					32	0-3-0	
				163	5	0-6-0	0-6-00
				199	11	0-1-0	0-2-10
					12	0-1-10	
				314	11	0-3-0	0-3-00
				380	11	0-0-10	0-0-10
				386	39	0-12-0	1-5-08

	5	6	7	8
		40	0-1-0	
		41	0-4-0	
		73	0-8-8	
माली	6	0-0-5	0-1-08	
	7	0-1-0		
408	5	0-14-8	0-16-16	
	6	0-2-8		
524	11	0-4-0	0-4-0	
529	11	0-3-10	0-3-10	
556	11	0-1-14	1-0-14	
583	32	0-1-10	1-3-02	
	34	0-16-16		
	35	0-4-16		
598	6	0-9-10	0-13-10	
	7	0-4-0		
615	39	0-1-0	0-5-0	
	41	0-4-0		
640	34	0-0-10	1-2-12	
	35	0-8-12		
	36	0-1-0		
	41	0-11-10		
	42	0-1-0		
सकरोड	41	0-0-10	0-0-10	
सकरोड	35	0-1-0	0-1-5	
	34	0-0-5		
				6-14-12 6-14-12

[स. ओ -14016/465/85-जी. पी.]

New Delhi, the 8th November, 1988

S.O. 3497.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 156(E) dated 12-2-88, under sub-section 3(I) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (I) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

District	Pargana	Tehsil	Village	Chak No.	Khsra No.	Area	Remark
1	2	3	4	5	6	7	8
Badun	Islam Nagar	Bisauli	Saifulla gunj	130	{ 5	0-1-0	0-4-00
					32	0-3-0	
				163	5	0-6-0	0-6-00
				199	{ 11	0-1-0	0-2-10
					12	0-1-10	
				314	11	0-3-0	0-3-00
				380	11	0-0-10	0-0-10
				386	{ 30	0-12-0	1-5-08
				Drain	40	0-1-0	
					41	0-4-0	
					73	0-8-8	
					6	0-0-5	0-1-05
					7	0-1-0	
				408	{ 5	0-14-81	0-16-16
					6	0-2-8	
				524	11	0-4-0	0-4-0
				529	11	0-3-10	0-3-10
				556	11	0-1-14	0-1-14
				563	{ 32	0-1-10	1-3-02
					34	0-16-16	
					35	0-4-16	
				598	{ 6	0-9-10	0-13-10
					7	0-4-1	
				615	{ 39	0-1-0	0-5-0
					41	0-4-0	
				640	{ 34	0-0-10	1-2-12
					35	0-8-12	
					36	0-1-0	
					41	0-11-10	
					42	0-1-0	
				Chak Rd.	41	0-0-10	0-0-10
				Chak Rd.)	35	0-1-0	0-1-5
					34	0-0-05	
						6-14-12	6-14-12

[No. O-14016/465/85-GP]

फा. भा. 3498:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि हजीरा-विजयपुर से अजमेर तक उत्तर प्रदेश में पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एतदपावड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

मतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अधिलेखन करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि. विकास दीप बिल्डिंग 22, स्टेशन रोड, सखनऊ-226019 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चिततया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुपूरक वाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बीघा में	विवरण
1	2	3	4	5	6	7
बरेली	आंवला	सन्हा	पखुरनी	218	0-1-10	

[सं. ओ-14016/442/85-जी. पी.]

S.O. 3498.—Whereas it appears to the Central Government that it is necessary in the public interests that for the transport of Petroleum and Natural Gas from Hazira—Bijaipur to Jagdishpur in Uttar Pradesh State a Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals

Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. Gas Pipeline Project

District	Tehsil	Pargana	Village	Plot No.	Area in Bigha	Remarks
1	2	3	4	5	6	7
Bareilly	Anwala	Sanha	Pakhurni	218	0-1-10	

[No. O-14016/442/85 G.P.]

का. आ. 3499:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि इजीरा-बिजापुर से जगदीशपुर तक उत्तर प्रदेश में पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनदपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि., विकास दीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 ए.पी. को इस अधिभूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितता यह भी कथन करेगा कि क्या वह चाहता है कि उनकी मुनबाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़त।

अनुसूचक बाद अनुसूची

एच. बी. जै. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बीघा में	विवरण
1	2	3	4	5	6	7
बरेली	आंवला	आंवला	इस्लामाबाद	743	0-4-10	
				762/960	0 1-10	
				780	0-0-10	
				3	0-6-10	

[सं. ओ.-14016/445/85-जी. पी.]

S.O. 3499.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Hazira—Bijaipur to Jagdishpur in Uttar Pradesh State a pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962

(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPELINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Area in Bigha	Remarks
1	2	3	4	5	6	7
Bareilly	Anwala	Anwala	Islamabad	743	0-4-10	
				762/960	0-1-10	
				780	0-0-10	
				3	0-6-10	

[No. O-14016/445/85-GP]

का. आ. 3500:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लगभग 20 वर्ष आवश्यक है कि हजीरा-विजयपुर से जगदीशपुर तक उत्तर प्रदेश में पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों के बिछाने का प्रयोजन के लिए एतदुपाय अनुसूची में वांछित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है:

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., विकास दीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू.पी. को हत प्रतिसूचना हो तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुतवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुपूरक वाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बीघे में	विवरण
1	2	3	4	5	6	7
बरेली	अवल	सन्हा	क्योना शादीपुर	421	0-0-10	
				422	0-3-0	
				554	0-1-0	
				3	0-4-10	

[सं. ओ -14016/446/85-जी.पी.]

S.O. 3500.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Hazira—Bijaipur to Jagdishpur in Uttar Pradesh State a Pipeline be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962

(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J., Pipeline Project Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPELINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Area in Bigha	Remarks
1	2	3	4	5	6	7
Bareilly	Anwala	Sanha	Quena Shadipur	421	0-0-10	
				422	0-3-0	
				554	0-1-0	
				3	0-4-10	

[No- O.14016/446/85-GP]

का. आ. 3501:—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस अधिसूचना का.आ.सं. 174(ई) तारीख 12-2-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग्न अनुसूची में विनिश्चित भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आणव्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में मलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में बोपणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जिला	परगना	तहसील	नामग्राम	गाटा संख्या	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
बदायूं	बिसौली	बिसौली	फतेहपुर बिरम पुर	200	1-3-15	
				201	0-2-18	
				203	1-9-4	
				202	0-1-0	
				207	0-1-0	
				208	0-1-0	
				209	0-11-8	
				210	0-4-4	
				213	0-14-0	
					0-11-0	
				214	0-1-0	
				215	0-3-0	
				216	0-9-0	
				217	0-8-12	
				220	0-1-0	नहीं आता
				221	0-18-12	
				225	0-1-0	
				226	0-4-16	नहीं आता
				227	0-13-4	
				587	0-11-0	नहीं आता
				588	0-0-10	
				568	0-1-0	नहीं आता
				565	1-1-8	
				569	0-3-12	
				570	0-3-12	
				571	0-2-5	
				560	0-3-4	
				559	1-7-0	
				549	0-1-10	
				547	1-8-12	
				541	0-17-0	
				542	0-1-0	
				669	0-1-0	

1	2	3	4	5	6	7
				671	0-1-0	
				539	0-1-0	
					14-2-11	
				662	0-2-8	
				672	0-8-10	
				673	0-12-0	
				674	0-14-6	
				675	0-1-0	
				677	0-1-10	
				679	0-1-0	
				681	0-0-5	
				682	0-17-5	
				683	0-0-10	
				687	0-2-0	
				686	0-13-12	
				688	0-12-0	
				689	0-10-4	
				699	0-1-0	
				700	0-1-0	
				734	0-3-0	
				735	1-2-16	
				736	0-5-0	
				737	0-1-0	
				745	0-1-0	
				746	0-1-0	
				750	0-1-0	
				751	0-8-12	
				752	0-1-0	
				753	0-8-4	
				754	0-1-0	
				755	0-3-0	
				756	0-0-10	
				757	0-1-0	
				764	0-1-0	
				765	1-0-12	
				766	0-6-0	
					9-4-4	
				1220	0-0-10	
				1172	0-2-0	
				1221	0-12-0	
				1222	0-4-0	
				1223	0-1-0	
				1224	0-1-0	
				1225	0-9-12	
				1226	0-12-0	

1	2	3	4	5	6	7
				1231	0-3-12	
				1232	0-18-12	
				1233	0-2-0	
				1237	0-5-4	
				1163	1-7-10	
				1164	0-19-4	
				1165	0-5-10	
				1166	0-0-5	
				1167	0-0-5	
				1170	0-1-0	
				1152	0-1-0	
				1160	0-0-5	
				1158	0-0-5	
				1136	0-1-0	
				1138	0-0-5	
				1139	1-5-10	
				1142	0-1-0	
				1143	1-0-16	
				1144	0-1-0	
				1131	0-2-5	
				1129	0-1-0	
				1128	0-1-0	
				1111	0-1-0	
				1112	0-2-5	
				1113	0-8-0	
				1114	0-7-4	
				1115	0-1-8	
				1116	0-5-4	
				1117	0-1-0	
				1118	0-6-0	
					10-12-11	
				1119	0-0-15	
				1089	0-7-4	
				1090	1-2-16	
				1091	0-1-0	
				1093	0-16-12	
				1095	0-3-15	
					2-12-2	

पृष्ठ संख्या	रकबा
1	14-2-11
2	9-4-4
3	10-12-11
4	2-12-2
	36-11-8

S.O. 3501.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 174(E) dated 12-2-88 under sub-section (I) of section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (I) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Distt.	Pargana	Tehsil	Village	Gata No.	Area	Remarks
1	2	3	4	5	6	7
Badaun	Bisauli	Bisauli	Fateh Pur	200	1-3-15	
			Veeram Pur	201	0-2-15	
				203	1-9-4	
				202	0-1-0	
				207	0-1-0	
				208	0-1-0	
				209	0-11-8	
				210	0-4-4	
				213	0-11-0	
				214	0-1-0	
				215	0-3-0	
				216	0-9-0	
				217	0-8-12	} नहीं आते हैं
				220	0-1-0	
				221	0-18-12	
				225	0-1-0	
				226	0-4-16	नहीं आता है
				227	0-13-4	
				587	0-11-0	नहीं आता है
				588	0-0-10	
				568	0-1-0	नहीं आता है
				565	1-1-8	
				569	0-3-12	
				570	0-3-12	
				571	0-2-5	
				560	0-3-4	
				559	1-7-0	
				549	0-1-10	
				547	1-6-12	
				541	0-17-0	
				542	0-1-0	
				659	0-1-0	
				671	0-1-0	
				539	0-1-0	
					14-2-11	
				662	0-2-8	
				672	0-8-10	
				673	0-12-0	
				674	0-14-6	
				675	0-1-0	

1	2	3	4	5	6	7
				677	0-1-10	
				679	0-1-0	
				681	0-0-5	
				682	0-17-5	
				683	0-0-10	
				687	0-2-0	
				686	0-13-12	
				688	0-12-0	
				689	0-10-4	
				699	0-1-0	
				700	0-1-0	
				734	0-3-0	
				735	1-2-16	
				736	0-5-0	
				737	0-1-0	
				745	0-1-0	
				746	0-1-0	
				750	0-1-0	
				751	0-8-12	
				752	0-1-0	
				753	0-8-4	
				754	0-1-0	
				755	0-3-0	
				756	0-0-10	
				757	0-1-0	
				764	0-1-0	
				765	1-0-12	
				766	0-6-0	
					9-4-4	
				1220	0-0-10	
				1172	0-2-0	
				1221	0-12-0	
				1222	0-4-0	
				1223	0-1-0	
				1224	0-1-0	
				1225	0-9-12	
				1226	0-12-0	
				1231	0-3-12	
				1232	0-18-12	
				1233	0-2-0	
				1237	0-5-4	
				1163	1-7-10	
				1164	0-19-4	
				1165	0-5-10	
				1166	0-0-5	
				1167	0-0-5	
				1170	0-1-0	
				1152	0-1-0	
				1160	0-0-5	

1	2	3	4	5	6	7
				1158	0-0-5	
				1136	0-1-0	
				1138	0-0-5	
				1139	1-5-10	
				1142	0-1-0	
				1143	1-0-16	
				1144	0-1-0	
				1131	0-2-5	
				1129	0-1-0	
				1128	0-1-0	
				1111	0-1-0	
				1112	0-2-5	
				1113	0-8-0	
				1114	0-7-4	
				1115	0-1-8	
				1116	0-5-4	
				1117	0-1-0	
				1118	0-6-0	
					10-12-11	
				1119	0-0-15	
				1089	0-7-4	
				1090	1-2-16	
				1091	0-1-0	
				1093	0-16-12	
				1095	0-3-15	
					2-12-2	

Page No.	Area
1	14 2 11
2	9-4-4
3	10-12-11
4	2-12-2
	36-11-8

[No. O-14016/469/85-GP]

का. मा. 3502.—यतः पेट्रोलियम और खनिज पादप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. मा. सं. 454(ई) तारीख 25-4-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पादप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः अक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनि-

र्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पादप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में, उपयोग के प्रकाशन की इस तारीख को तिष्ठित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम का नाम—कुलोन तहसील—करेरा जिला—शिवपुरी म. प्र.

अनुसूची

अनुक्र.	सं. नम्बर	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर में)
1	2	3
1	596	0.209
2	597	0.031
3	602	0.042
4	604 } 608 }	0.010
5	603	0.230
6	609	0.293
7	610	0.073
8	612	0.063
9	614/1 }	0.282
10	614/2-3 }	
11	615 } 645 }	0.219
12	639	0.669
13	640	0.387
14	642	0.010
15	644	0.167
16	704	0.125
17	705	0.314
18	706/1	0.052
योग	20	3.176

[सं. ओ-14016/182/85-जी

राकेश कक्कड़, उप सचिव

S.O. 3502.—Whereas by notification of the Government of India the Ministry of Petroleum and Natural Gas S.O. 454(E) Dated 25-4-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (i) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE E

H.B.J. GAS PIPELINE PROJECT

Village: Kuchlon Tehsil: Karera District-Shivpuri Madhya-pradesh

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1.	596	0.209
2.	597	0.031
3.	602	0.042
4.	604 } 608 }	0.010
5.	603	0.230
6.	609	0.293
7.	610	0.073
8.	612	0.063
9.	614/1 }	0.282
10.	614/2-3 }	
11.	615 } 645 }	0.219
12.	639	0.669
13.	640	0.387
14.	642	0.010
15.	644	0.167
16.	704	0.125
17.	705	0.314
18.	706/1	0.052
Total	20	3.176

[No. O-14016/182/85-GP]

RAKESH KACKER, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 2 नवम्बर, 1988

का.ग्रा. 3503.—भारतीय उपचर्या परिषद ने भारतीय उपचर्या परिषद अधिनियम, 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसरण में 21 नवम्बर, 1986 को हुई बैठक में, एक संकल्प पारित करके, यह घोषणा की थी कि उसमें विनिर्दिष्ट अर्हता, उक्त अधिनियम के प्रयोजन के लिए मान्यता प्राप्त अर्हता होगी ;

और उक्त संकल्प उक्त अधिनियम की धारा 15 की उपधारा (1), की उपेक्षानुसार, भारतीय उपचर्या परिषद की अधिसूचना सख्या 11-1/86 आई. एस. सी. तारीख 17 मार्च, 1987 के साथ राजपत्र में प्रकाशित कर दिया गया है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 15 की उपधारा (2) के अनुसरण में उक्त अधिनियम की अनुसूची का निम्नलिखित और संशोधन करती है, ताकि इसे उक्त घोषणा के अनुसार बनाया जा सके, अर्थात् :—

उक्त अधिनियम की अनुसूची के भाग 1 में 'क-जनरल नर्सिंग' शीर्षक के अंतर्गत, क्रम संख्या 54 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम सं. और प्रविष्टियां जोड़ी जाएंगी अर्थात् :—

"55 अखिल भारतीय आयुर्विज्ञान संस्थान नई दिल्ली (जब वह 16 अगस्त, 1979 को या उसके पश्चात् प्रदान की गई हो) 56 राजस्थान विश्व विद्यालय, जयपुर (जब वह जनवरी, 1968 को या उसके पश्चात् प्रदान की गई हो)।

57 कलकत्ता विश्वविद्यालय, कलकत्ता (जब वह 27 अक्टूबर 1978 को या उसके पश्चात् प्रदान की गई हो)।

[सं. वी. 14015/3(i)/86-पी. एम. एस.]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 2nd November, 1988

S.O. 3503.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 21st November, 1986, in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the qualification specified therein shall be recognised qualification for the purpose of the said Act;

And whereas the said resolutions have been published in the Official Gazette with the notifications of the Indian Nursing Council, No. 11-1/86-INC dated 17th March, 1987, as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendments in the Schedule to the said Act so as to bring it into accord with the said declaration, namely:—

In the Schedule to the said Act, in part I, under the Heading "A-General Nursing", after serial number 54 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

"55. All India Institute of Medical Sciences, New Delhi (when granted on or after the 16th August, 1979).

56. University of Rajasthan, Jaipur (when granted on or after the 1st January, 1968).

57. University of Calcutta, Calcutta (when granted on or after the 27th October, 1978).

[No. V. 14015/3(i)/86-PMS]

का.आ. 3504—भारतीय उपचर्या परिषद ने भारतीय उपचर्या परिषद अधिनियम 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसरण में 10 मार्च, 1987 को हुई बैठक में एक संकल्प पारित करके, यह घोषणा की थी कि उसमें विनिर्दिष्ट अर्हता उक्त अधिनियम के प्रयोजन के लिए मान्यता प्राप्त अर्हता होगी ;

और उक्त संकल्प, उक्त अधिनियम की धारा 15 की उपधारा (1) की अपेक्षानुसार, भारतीय उपचर्या परिषद की अधिसूचना संख्या 11-1/85 आई. एन. सी. तारीख 1 जून 1987 के साथ राजपत्र में प्रकाशित कर दिया गया है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 15 की उपधारा (2) के अनुसरण में, उक्त अधिनियम की अनुसूची का निम्नलिखित और संशोधन करती है, ताकि इसे उक्त घोषणा के अनुसार बनाया जा सके, अर्थात् :—

उक्त अधिनियम की अनुसूची के भाग 1 में, —

(1) "क-जनरल नर्सिंग" शीर्षक के अंतर्गत, क्रम सं. 57 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम सं. और प्रविष्टियां जोड़ी जाएंगी अर्थात् :—

"50 मैसूर सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वह 17-11-54 से 31-10-73 को या उसके पश्चात् प्रदान की गई हो)।

59 कर्नाटक सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वह 1 नवम्बर, 1973 को या उसके पश्चात् प्रदान की गई हो)।

(ii) "ख-मिडवाइफरी" शीर्षक के अंतर्गत क्रम सं. 23 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम सं. और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

"24 मैसूर सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वे 17-11-1954 से 31-10-1973 को या उसके पश्चात् प्रदान की गई हों)।

25 कर्नाटक सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वह 1 नवम्बर, 1973 को या उसके पश्चात् प्रदान की गई हो)।

(iii) "ग-आग्निजलरी नर्सिंग मिडवाइफरी" शीर्षक के अंतर्गत, क्रम सं. 15 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम सं. और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

"16 मैसूर सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वह 12-8-1957 से 31-10-1973 के बीच, जिसके अंतर्गत दोनों तारीखें हैं, प्रदान की गई हों)।

17 कर्नाटक सरकार द्वारा नियुक्त परीक्षक बोर्ड (जब वह 1 नवम्बर, 1973 को या उसके पश्चात् प्रदान की गई हो)।

[सं. वी. 14015/3(ii)/86-पी. एम. एस.]

जी. जी. के. नायर, अधीक्षक सचिव

S.O. 3504.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 10th March, 1987 in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the qualifications specified therein shall be a recognised qualification for the purpose of the said Act;

And whereas the said resolutions have been published in the following serial numbers and entries shall be ing Council, No. 11-1/85-INC dated 1st June, 1987 as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendments in the Schedule to the said Act so as to bring it into accord with the said declaration, namely:—

In the Schedule to the said Act, in part I,—

- (i) under the heading "A-General Nursing", after serial number 57 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

"58. The Board of Examiners appointed by the Government of Mysore (when granted on and after 17-11-1954 to 31-10-1973).

59. The Board of Examiners appointed by the Government of Karnataka (when granted on or after the 1st November, 1973);"

- (ii) under the heading, "B-Midwifery," after serial number 23 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

"24. The Board of Examiners appointed by the Government of Mysore (when granted on and after 17-11-1954 to 31-10-1973).

25. The Board of Examiners appointed by the Government of Karnataka (when granted on or after the 1st November, 1973).";

- (iii) under the heading C-Auxiliary Nursing-Midwifery" after serial number 15 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

"16. The Board of Examiners appointed by the Government of Mysore (when granted between 12-8-1957 to 31-10-1973 both the dates inclusive).

17. The Board of Examiners appointed by the Government appointed by the Government of Karnataka (when granted on or after 1st November, 1973)."

[No. V. 14015/3(ii)/86/PMS]

G.G.K. NAIR, Under Secy.

नई दिल्ली, 17 नवम्बर, 1988

का. भा. 3505—भारत सरकार के भाग II खंड 3 (ii) में प्रकाशित 16 दिसम्बर, 1982 की भारत सरकार की अधिसूचना संख्या एक्स 11014/2/82 डी. एम. एस. एंड पी. एफ. ए. में पृष्ठ संख्या 187-188 पर का. भा. 219 दिनांक 1-1-1983 के अधीन क्रम संख्या 2 अर्थात् (2) डा. (श्रीमती) एस. अहुजा, उपनिदेशक (चिकित्सा), केन्द्रीय अनुसंधान संस्थान, कसौली के पश्चात् निम्नलिखित जोड़ा जाए, अर्थात्

- (3) डा. (कु.) जसपाल सोखे, उप निदेशक, (मुख्य पोलीयो जांच प्रयोगशाला) केन्द्रीय अनुसंधान संस्थान, कसौली।

[सं. एक्स. 11014/6/88 डी. एम. एस. एंड पी. एफ. ए.]

श्रीमती प्रतिष्ठा किशोर, अवर सचिव

New Delhi, the 17th November, 1988

S.O. 3505.—In Government of India Notification No. X. 110142/82-DMS&PFA dated the 16th December, 1982 published in the Government of India Part II Section 3(ii) on 110142/82-DMS & PFA dated the 16th December, 1982 pub- S. No. 2 viz. (2) Dr. (Mrs.) S. Ahuja, Dy. Director (Medical) Central Research Institute, Kasauli, the following shall be added viz.

(3) Dr. (Miss) Jaspal Sokhey, Dy. Director (Oral Polio testing laboratory) Central Research Institute, Kasauli.

[No. X-11014/6/88-DMS&PFA]
MRS. A. KISHORE, Under Secy.

कृषि मंत्रालय

(ग्रामीण विकास विभाग)

नई दिल्ली, 7 नवम्बर, 1988

आदेश

का. भा. 3506 केन्द्रीय सरकार, आवश्यक यस्तु अधिनियम 1955 (1955 का 10) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, शीतागार आदेश, 1980 का और संशोधन करते के लिए निम्नलिखित आदेश करती है, अर्थात्:

1. (1) इस आदेश का संक्षिप्त नाम शीतागार (संशोधन) आदेश, 1988 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

2. शीतागार आदेश, 1988 में, खंड 7 के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्:

"7. अनुज्ञप्ति कीम इस प्रकार होगी:

एक वर्ष या उसके भाग के लिए अनुज्ञप्ति/नवीकरण फीस:

(क) ऐसे शीतागार, जिनकी भंडारण क्षमता 10,000 घनमीटर से अधिक है 1000.00 रुपए

(ख) ऐसे शीतागार, जिनकी भंडारण क्षमता 25,00 घनमीटर से अधिक है किन्तु 10,000 घनमीटर से अधिक नहीं है। 500.00 रुपए

(ग) ऐसे शीतागार, जिनकी भंडारण क्षमता 25 घनमीटर से न्यून नहीं है किन्तु 2500 घनमीटर से अधिक नहीं है। 200.00 रुपए

[सं. एफ. 1117/87-एस 1]

आर. हीरो, अवर सचिव

टिप्पण: मूल आदेश का. भा. सं. 2453 तारीख 20 सितम्बर 1980 के रूप में भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित हुआ था, तत्पश्चात् उसमें निम्नलिखित संशोधन किए गए:

1. का. भा. सं. 2964 दिनांक 23 जुलाई, 1983

2. का. भा. सं. 3001 दिनांक 22 दिसम्बर, 1984

3. का. भा. सं. 475 दिनांक 2 फरवरी, 1985

MINISTRY OF AGRICULTURE
(Department of Rural Development)

ORDER

New Delhi, the 7th November, 1988

S.O. 3506.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Cold Storage Order, 1980, namely:—

1. (1) This order may be called the Cold Storage (Amendment) Order, 1988.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Cold Storage Order, 1980, for clause 7, the following clause shall be substituted, namely:—

“Licence fee shall be as follows:—

Licence/renewal fee for one year of part thereof:

- (a) Cold Storage with a storage capacity exceeding 10,000 Cubic metres : Rs. 1000.00
- (c) Cold Storage with a storage capacity of not less than 25 cubic metres but not exceeding 2500 cubic metres : Rs. 200.00.”
- (c) Cold Storage with a storage capacity of not less than 25 cubic metres but not exceeding 2500 cubic metres : Rs. 200.00”.

[No. F. 11-7/87-MJ]

R. HORO, Dy. Secy.

NOTE :

Principal order published vide S.O. No. 2453 dated the 20th September, 1980, Part II, Section 3, Sub-section (ii) of the Gazette of India.

Subsequent amendments 1. S.O. 2964 dated the 23rd July, 1983. 2. S.O. 3001 dated the 22nd September, 1984. 3. S.O. No. 475 dated the 2nd February, 1985..

शहरी विकास मंत्रालय

(सम्पदा निदेशालय)

नई दिल्ली, 8 नवम्बर, 1988

का. आ. 3507—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 4 जुलाई, 1981 में प्रकाशित भारत सरकार के निर्माण और आवास मंत्रालय की अधिसूचना सं. का. आ. 1870, तारीख 12 जन 1981 को अधिकांश करते हुए, लोकसभा अध्यक्ष से परामर्श करने के पश्चात् नीचे की सारणी के स्तंभ (1) में वर्णित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के प्रयोगों की बाबत उक्त अधिनियम के द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का निर्वाहन करेंगे :

राजपत्रित अधिकारी सरकारी स्थानों के प्रयोग

(1)

(2)

निदेशक/उपसचिव/संयुक्त

निदेशक/प्रवर सचिव/

उपनिदेशक, लोक सभा

सचिवालय, नई दिल्ली

1. संसद भवन संपदा।

2. ऐसे परिसरजो, केन्द्रीय सरकार द्वारा सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1980 (1980 का 61) के प्रारम्भ से पहले या पश्चात् सचिवालय के कर्मचारिवृन्द के किसी सदस्य को आवासीय वास सुविधा उपलब्ध कराने के लिए लोकसभा सचिवालय के नियंत्रणाधीन रखे गए हैं।

स्पष्टीकरण:— इस अधिसूचना के प्रयोजनों के लिए “संसद भवन संपदा” के अंतर्गत:—

(क) संसद भवन, संसद भवन सौध और बाह्य स्वागत कार्यालय से लगे हुए सभी भवन, सरदनाएँ, संस्थापन, लान और खाली भूमि; और

(ख) प्लॉट सं. 118 (रेड क्रॉस रोड, रायसीना रोड और संसद भवन के बीच) प्लॉट सं. 115 (तालकटोरा रोड, पंत मार्ग और संसद भवन के बीच), जो अध्यक्ष के नियंत्रणाधीन हैं।

[फा. सं. 21012/2/88 - निति -IV]

आर्ट. एस. चीमा, सम्पदा उपनिदेशक (निति)

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Estates)

New Delhi, the 8th November, 1988

S.O. 3507.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, and in supersession of the notification of the Government of India, Ministry of Works and Housing No. S.O. 1870, dated the 12th June, 1981, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 4th July, 1981, after consultation with the Speaker of the Lok Sabha, hereby appoints the officers mentioned in column (1) of the Table below, being gazetted officers of Government to be an estate officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table:

(1)

(2)

Director/Deputy Secretary/
Joint Director/Under
Secretary/Deputy Director
of Lok Sabha Secretariat,
New Delhi

- 1 Parliament House Estate.
2 Premises which have been placed by the Central Government, whether before or after the commencement of the Public Premises (Eviction of Unauthorised Occupants) amendment Act, 1980 (61 of 1980), under the control of Lok Sabha Secretariat for providing residential accommodation to any member of the staff of the Secretariat.

Explanation : For the purpose of this notification "Parliament House Estates" includes:

- (a) all buildings, structure installation, lawns and vacant land adjoining Parliament House, Parliament House annex and outer Reception Office; and
(b) Plot No. 118 (between Red Cross Road, Raisina Road and Parliament House Plot No 115 (between Talkatora Road, Pant Marg and Parliament House) which are under the control of the Speaker.

[F. No. 21012(2)/86-Pol IV]

F.S.CHEEMA, Director of Estates(P)

अथ मंत्रालय

नई दिल्ली, 4 नवम्बर, 1988

का. आ. 3508.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुप्रीटेंडेंट डाकघर नई दिल्ली के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पत्रपट को प्रकाशित करती है जो केन्द्रीय सरकार को 27-10-88 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 4th November, 1988

S.O. 3508.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employees in relation to the management of Sr. Superintendent Post Office, New Delhi and their workmen, which was received by the Central Government on the 27th October, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 49/88

In the matter of dispute between :
Shri Lila Ram s/o Shri Shiv Ram, Post Office and
Village, Sikanderpur (Sipai), Distt. Gurgaon,
(Haryana);

Versus

The Sr. Supdt., Post Office, New Delhi,
South West Division, New Delhi-110021.

APPEARANCES :

Workman in person with Sh. Pradeep Kumar, and
Sh. H. S. Negi with Miss Anuradha Kaushik Advocate for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/44/87-D, II(B) dated 14th April, 1988 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether, the action of management of Sr. Supdt. Post Office, South-West Section, New Delhi in removing Sri Lila Ram, Extra Department Chowkidar, from service w.e.f. 30-5-86 is justified ? If not, what relief the concerned workman is entitled to ?"

2. Some of the undisputed facts are that the workman joined service of the Management as Extra Department Chowkidar by the Management w.e.f. 19-3-83 and his services were terminated w.e.f. 30-5-86 without any notice, charge sheet or enquiry or payment of any wages in lieu of notice or any retrenchment compensation. Subsequently, on representation being made by the workman, the Member (P) of the P&T, ordered that the termination of the workman was punitive in nature and that a regular enquiry may be held before a decision was taken. Thereafter an order dated 19-3-87 was passed whereby the workman was ordered to be deemed to be put off from duty from the date his service was terminated. Thereafter a formal charge sheet dated 15-4-87 containing 5 articles of charges was served upon him and the enquiry is still pending against him.

3. The case of the workman is that the termination of his services vide order dated 30-5-86 is in violation of section 25F of the I. D. Act (hereinafter referred to as the Act). It is his further case that when his termination was held by the Management itself to be punitive in nature, he should have been reinstated and paid all his back wages. All the subsequent actions of the Management in passing a deeming order of being put off from duty and serving a charge sheet on him and holding an enquiry are also illegal and unjustified. Accordingly he has prayed that the orders of his termination and the subsequent orders of putting him off duty and holding of enquiry proceedings may be set aside and he may be reinstated in service with continuity of service and with full back wages.

4. The Management has justified its action as illegal and valid and in accordance with the P&T EDAS (C&S) Rules. It was further submitted that the final outcome of the enquiry against the workman is still awaited and the workman has been given full opportunity to defend his case and further that no allowance is payable during put off duty.

5. Before proceeding to examine the case on merits, I would like to observe that alongwith the statement of claim the workman had filed an application for grant of interim relief. This Tribunal vide Order dated 18-7-88, after hearing both the parties, had directed that pending the final disposal of the case the Management should pay 50 per cent of the wages to the workman by way of interim relief w.e.f. 1-6-88 till further orders. On the next date of hearing 10-8-88 the workman complained of non-compliance with the order of grant interim relief and the management was

directed to report compliance by the next date of hearing failing which its defence will be struck off. However, the management failed to comply with the orders, and, therefore, has become liable for its defence to be struck off.

6. On merits also, the Management has got no case at all. The facts as enumerated above speak for themselves. The actions of the Management are wholly arbitrary and unjustified. The Management was aware that it was taking action against the workman as a measure of punishment, but ignoring its own rules, proceeded to pass an order of termination simpliciter without serving a notice or charge sheet or holding an enquiry against the workman. Even when the member (P), on consideration of the representation made by the workman, passed an order that the termination of the workman was punitive in nature and before taking a decision an enquiry should be held, the Management instead of following the normal course of setting aside the termination and reinstating the workman and paying him his wages, has resorted to a dubious course of treating the services of the workman to be deemed to have been put off and then serving him with a charge sheet and holding an enquiry. The action of the Management, in axiomatic terms, may be said to be in the nature of putting the cart before the horse. While it is a prerogative of the Management to terminate the service of the workman by way of disciplinary action after a fair and proper domestic enquiry, it has no power to terminate the services of the workman first on ground of misconduct and then hold an enquiry. The termination of the services of the workman clearly amounts to retrenchment as per the provisions of Section 2(oo) of the Act and as he has admittedly served the Management for more than 3 years and was in continuous employment for one year preceding the date of his termination, therefore, he was fully protected by the provisions of section 25F of the Act. It may be further observed here that in accordance with the provisions of section 25-T the provisions of Chapter V'A' shall have effect notwithstanding the P&T EDA(C&S) Rules to the contrary. As there is a clear violation of the provisions of Section 25-F of the I. D. Act, the order of termination dated 30-5-86 passed against the workman is held to be illegal and void ab initio. All the subsequent actions of the Management is treating the workman as having been deemed put off duty and the service of a charge sheet and holding of enquiry against him also stand vitiated and are hereby quashed. It is directed that the workman shall be reinstated with continuity of service and with full back wages. It may, however, be clarified that this award shall not preclude the Management from taking disciplinary action against the workman on the various charges levelled against him but it can proceed only after he has been reinstated and paid his back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

24th October, 1988.

G. S. KALRA, Presiding Officer
[No. L-40012/44/87-D. II(B)]

का. अ. 3509.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पोस्ट हेड आफिस कानपुर के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 28-10-88 प्राप्त हुआ था।

S.O. 3509.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Head Office, Kanpur (UP) and their workmen, which was received by the Central Government on the 28th October, 1988.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT KANPUR

Industrial Dispute No. 64 of 1986

In the matter of dispute between :

Shri Anant Kumar Pandey 76/147 Koolie Bazar Kanpur
—Workmen

AND

Director Post Office Muffasil Region Kanpur
—Management

APPEARANCE :

Shri V. N. Sekhari authorised representative—for the workmen.

Shri Ram Gulam authorised representative—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-40012/23/85-D.II (B) dated 17th March, 1986, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Director, Post Office, Muffasil, Kanpur, in terminating the services of Shri Anant Kumar Pandey, Ex-Branch Post Master w.e.f. 14-3-80, is legal and justified? If not, to what relief the workman is entitled to and from what date?

2. The admitted facts are that Shri Anant Kumar Pandey came to be posted as Branch Post Master, at Haramau, Kanpur, on 22-2-78. While he was posted there, on the complaint of one Shri Manoj Kumar Sachan, who had saving banks A/c No. 2801709 in the said post office, a preliminary enquiry was held against Shri Pandey, and on the basis of the preliminary enquiry report he was served with a chargesheet dated 12-6-81.

3. The sum and substance of the chargesheet was that on 15-2-80, Shri Pandey, received Rs. 1000 from Shri Sachan, for the deposit in his said Savings Banks A/c No. 2801709. Shri Pandey himself filled in pay in slip and made entry of Rs. 1000, not only in the pass book of Shri Sachan, but also in the saving banks journal. Subsequently he took back the pass book of Shri Sachan and changed the entries with regard to deposit of Rs. 1000 by writing down Rs. 500 in the pay in slip, pass book and S.B. Journal without the consent of the depositor. Shri Pandey, therefore, was accused of having defrauded the Post Office to the tune of Rs. 500. By means of his order dated 9-7-81, the Superintendent Post Offices (Muffasil), appointed Shri M. K. Bhargava, as Enquiry Officer. Shri Bhargava gave his report on 4-4-84, holding the charges as proved recommending taking of strong action against Shri Pandey. On receipt of the Enquiry report the Supdt. of Post Offices Kanpur by means of his order dated 27-4-84, awarded him the punishment of removal from service. Shri Pandey went in appeal but the same was dismissed by the Director Postal Services, Kanpur Region, Kanpur, vide his order dated 30-11-84. It is further admitted to the parties that the service conditions of Shri Pandey are governed by Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules, 1964 (hereinafter referred as EDA Rules 1964).

4. Shri Pandey, has challenged the order of removal from service on a number of grounds. According to him on the basis of the facts disclosed no charges could have been framed against him for the genuine mistake made by him under EDA Rules, 1964. In fact on 5-2-80, Shri Sachan came to the Post Office to deposit money in his savings banks

account. He brought with him Rs. 500 in 10 currency notes of Rs. 50. By mistake he (Shri Pandey) filed in the pay in slip for Rs. 1000 taking as if Shri Sachan has brought 10 currency notes of Rs. 100 and made entries accordingly in the books of the post office and in the pass book of Shri Sachan. As soon as he detected the mistake he made necessary corrections in all these documents. He then contends that the departmental inquiry was not conducted by the Enquiry Officer in a fair and proper manner. It was held in violation of rules of Natural Justice Copies of material documents were not supplied to him. In fact the E.O. acted in a partisan manner. The findings given by him are perverse. Even the order of the Appellate Authority which is passed on illegal findings of the Enquiry Officer is invalid and liable to be set aside. In any case the punishment awarded to him was highly disproportionate and excessive when looked into the facts and circumstances of the case.

5. The management, in defence, however pleads that there is no substance in the pleas raised by the workman challenging the departmental proceedings. The findings given by the Enquiry Officer and the order of the Appellate Authority. The punishment awarded to him by no means can be said as excessive. The departmental enquiry was conducted strictly in accordance with EDA Rules 1964 and principles of Natural Justice. The management also pleads that Shri Pandey is not a workman within the meaning of Industrial Disputes Act. Before being removed from service he was holding the post of Branch Post Master and was his own paying and disbursing officer. He was exercising supervisory and managerial functions in regard to the Branch Post Office Haramau. He was removed from service by means of order dated 27-7-84 (should be 27-4-84), and before that he had been put off from duty by order dated 14-3-80. There is no termination order dated 14-3-80. Shri Pandey, has sought no relief against the order of his removal dated 27-4-84.

6. In his rejoinder, Shri Pandey, alleges that he was removed from duty vide order dated 26-2-80 of the Director Muffasil Kanpur which was served upon him on 14-3-80. Discontinuance from service from 14-3-80 tantamounts to termination and retrenchment. The order of removal from service dated 27-4-84, is therefore, illegal and void. It cannot convert his retrenchment which was actually done on 14-3-80. In any case his retrenchment from 14-3-80 and his removal from service by means of order dated 27-4-84 are illegal. He denies that he is not a workman under section 2(s) of the I. D. Act. His main and normal duties were purely clerical in nature. He had no supervisory or managerial functions to perform. As such this Tribunal has jurisdiction to decide the reference.

7. In support of his case Shri Pandey, has filed his own affidavit and from the management side the affidavit of Shri G. S. Srivastava, Superintendent Post Office (Muffasil) Kanpur, has been filed, in support of its case. Both sides have also filed a number of documents. The documents filed by the management relate to disciplinary proceedings. On the basis of statement made by the authorised representatives of the parties on 12-10-87, that the documents filed by the parties be read in evidence without formal proof, all the documents filed from both the sides have been exhibited. Documents filed by the management have been marked as Ext. M-1 to Ext. M-22 and the documents filed by the workman have been marked as Ext. W-1 and Ext. W-2. Later on in pursuance of order dated 4-1-88 of the Tribunal passed on the submission made by the workman's authorised representative, the management filed photostat copies of the Enquiry Proceedings which have been marked as Ext. M-23 to M-31.

8. On behalf of the workman, his authorised representative Shri V. N. Sekhari has simply submitted written arguments on the point that Post Office is an Industry and that employees of Post Offices are governed by the provisions of the I. D. Act. In his written arguments he has said nothing on merits.

9. In the order of reference dated 17th March, 1986, the date of termination of service of Shri Pandey, has been given on 14-3-80. This fact that his services were terminated w.e.f. 14-3-80 has also been alleged by Shri Pandey, in para 5 of his rejoinder on the basis of order dated 26-2-80, which was said to have been served on him on 14-3-80.

10. Ext. W-3, is the copy of order dated 26-2-80, passed by Superintendent Post Office (Muffasil) Kanpur. The relevant portion reads as under :

Atirikt Vibhagiya Agent Dak Tar (Seva Aur Acharan) Niyamavali 1964, Ke Niyam 9 Ke Anusar Shri Anant Kumar Pandey Atirikt Vibhag Shaka Dakpal Haramu (Pukhrayan) Kanpur Ko Janch Ki Pratishtha Tatkal Duty Se Prathak Kiya Jata Hai.

This order by no stretch of imagination can be said to be an order terminating the services of Shri Pandey. Rule 9(i) of EDA Rules 1964 read as under :

Pending an enquiry into any complaint or allegation of misconduct against an employee, the appointing authority an authority to which the appointing authority is subordinate may put him off duty.

From the above said rule it becomes abundantly clear that the above order dated 26-2-80 in fact amounts to suspension and not termination of service of Shri Pandey. Rule 7 of the said rules referred to nature of penalties and Rule 8 refers to procedure for imposing the penalty. According to rule 7 for good and sufficient reasons, 3 penalties stated in the rule can be imposed on an employee by the punishing authority. One such penalty is removal from service. It may be as amounting to disqualification for future employment or it may not be so. According to the proviso to rule 8 the penalty of dismissal or removal from service shall not be imposed except after the enquiry in which the employee has been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of those charges.

11. Ext. M-21 is the copy of order dated 27-4-84, by means of which Shri J. M. L. Saxena Superintendent Post Offices (Muffasil) Kanpur awarded Shri Pandey, the penalty of removal from service and Ext. M-22 is the copy of order dated 30-11-84, by means of which Director Postal Services Kanpur Region Kanpur dismissed the appeal filed by Shri Pandey against the order dated 27-4-84 of the Supdt. Post Offices (Muffasil) Kanpur.

12. Thus there remains no doubt on the point that the order dated 26-2-80 was actually an order of suspension and not an order terminating the services of Shri Pandey. His services were actually terminated by means of order dated 27-4-84 referred to above. The reference, in my opinion, is bad in law.

13. In his claim statement, the specific grounds on which the findings of the E.O. have been challenged by Shri Pandey, are that material documents were not supplied to him; that the E.O. acted in a partisan manner; and that the findings of the E. O. are perverse being based on hearsay evidence and conjectures. He has also pleaded that the departmental inquiry was not fairly and properly conducted. It was held in violation of the Principles of Natural Justice. He has not elaborated as to what wrongs were committed by the E.O. during the conduct of inquiry.

14. Before I deal with the grounds on which the findings have been challenged I would like to refer to various statements made by Shri Pandey in his cross examination. He has deposed that on 5-2-80, Shri Manoj Kumar Sachan, had come to the Post Office for depositing Rs. 500 and not Rs. 1,000 in his saving banks account no. 2801709. By mistake he made an entry of deposit of Rs. 1,000 in his pass book and in post office registers, pay-in-slip was also filled in by him for deposit of Rs. 1,000. On the pay-in-slip he did not obtain the signatures of Shri Sachan. As soon as he realised the mistake he corrected the entries of the pass book and the register and also corrected the amount in the pay-in-slip. He obtained the signatures of Shri Sachan on the pay-in-slip only after making correction in the amount. He did not obtain the initials or signatures of Shri Sachan on the cuttings in the pay-in-slip, at the place of cuttings he made his own initials.

15. All this according to him was done that very day.

16. Now I may like to refer to some portions of the statements made by Shri Sachan and Shri Kundan Lal, who was also posted in the said office alongwith the workman in February, 1980. Shri Sachan stated that he was called with his pass book by Shri Pandey through Shri Kundan Lal next day and Shri Kundan Lal corroborates him, Shri

Kundal Lal has also stated that inside the post office he heard Shri Pandey saying that Shri Sachan had deposited Rs. 500 whereas Shri Sachan was saying that he had deposited Rs. 1,000. I would not like to refer to other circumstances showing the conduct of Shri Pandey. Shri Pandey has signed the claim statement, the authority letter and his statement recorded on 12-7-88 in Hindi showing as if he makes his signatures in Hindi and not in English. However, on the proceedings and the statement of witness his signatures in English appear and the way in which he had made in the domestic enquiry signatures show that he knows English very well.

17. Although at the domestic inquiry, the department examined a number of witnesses to prove the charges, Shri Pandey examined neither himself nor any witness in defence it was said on his behalf, as will be evident from the copy of proceedings dated 28-10-83, Ext. M-31, that he had not to examine any witness in defence.

18. In the above circumstances, if one goes through the copies of findings of the Enquiry Officer dt. 4-4-84, copy Ext. M-20, one cannot say that the findings are in any way perverse. On the basis of the evidence no conclusion other than the one arrived at by the E.O. can be drawn.

19. From the proceedings dated 12-4-82, 4-8-82 and 25-8-82, it appears that the workman's representative was allowed inspection of documents, delivered copies of statements of the witnesses examined at the preliminary inquiry and the copy of complaint filed by Shri Sachan. Copies of these proceedings are Ext. M-23, 25 and 26 respectively. It appears that before the Enquiry Officer, written arguments were filed by the defence representative. One point was that the copy of report of Shri Ram Gulam, Inspector, Post Office, Kanpur, who conducted the preliminary enquiry was never exhibited nor its copy was furnished to the defence and the second was that Shri Sachan was examined at the inquiry but subsequently disappeared and did not come for his cross examination.

20. Both these grounds have not been specifically taken in the claim statement by Shri Pandey. The Tribunal cannot forsake its duty despite the fact that no arguments as stated in the beginning have been made in this regard. Ext. M-13 is the copy of statement of Shri Ram Gulam, Inspector, Post Office, before the Enquiry Officer. It appears that he submitted two reports on the basis of inquiry conducted by him, one was dated 21-8-80, and the second was dated 26-8-80. The copy of the first report was delivered to the defence representative on 21-8-82, as will be evident from the copy of proceedings Ext. M-26. From the statements of Shri Ram Gulam, it appears that both the reports were exhibited and questions were put to by the Defence Representative to Shri Ram Gulam with regard to these two reports during cross examination after allowing him the opportunity to see these two reports. It cannot, therefore be said that any prejudice in any way was caused to Shri Pandey because of non delivery of the second report. Ext. M-15, is the copy of statement of Shri Sachan which shows that he was examined on 25-8-82. However, the copy of proceedings dated 25-8-82, copy Ext. M-26, go to show that despite information Shri Sachan had not come. Since the copy of statement of Shri Sachan also bears the signatures of Shri Pandey, most probably his D.R. it also appears that Shri Sachan turned up later on and was examined in their presence. Ext. M-29 and Ext. M-30 are copies of proceedings dated 20-12-82 and 21-7-83 respectively showing that Shri Sachan produced himself for cross examination but Shri Pandey did not cross examine him on the plea that his defence representative did not come. Thereafter Shri Sachan did not turn up. For this the department cannot be blamed. Shri Pandey had opportunity to cross examine the witness on three dates, the date on which Sachan was examined and on subsequent two dates when he did not utilize the opportunities to cross examine him. The fault is purely lay with him. Moreover, in the light of the facts stated by Shri Pandey in his cross examination before this Tribunal and his failure to produce any evidence, much could not have been asked from Shri Sachan except that he had deposited Rs. 500 on 5-2-80 and not Rs. 1,000.

21. The Appellate Order i.e. order dated 30-11-84 of the appellate authority too appears to be sound order.

22. As regards the quantum of punishment, I may say that it cannot be said as excessive in the light of facts and circumstances. We have seen above that he obtained the signatures of Shri Sachan on the pay-in-slip only after he had made corrections in it without obtaining his signatures or initials on the cuttings. The cuttings were initialled by him. He also tampered with the post office record by scoring the original entries and substituting them by fresh entries.

23. Hence, I find that Shri Pandey has no case at all. As earlier said the reference is also bad in law as the services of Shri Pandey were not terminated w.e.f. 14-3-80. The date represents the date of his suspension.

24. In this case a question has also been raised that the post office is not an industry. In his written arguments Shri V. N. Sekhari has referred to the ruling in the case of Kunjan Bhaskaran Vs. S.D.O. Telegraphs and others, 1983 Lab. IC 135 (Kerala). After referring to section 22, 2(n) I.D. Act. It was held by His Lordship that P&T is an Industry.

25. Another ruling which has come to my notice is a full Bench Ruling of the Kerala High Court in the case of Director Postal Services (South) Kerala Circle, Trivendrum Vs. KRM Kaimal, 1984 Lab. IC 628. From para 5 of the ruling it appears that Sr. Central Government counsel appearing before the Full Bench also did not dispute the fact that Post & Telegraph Department is an Industry. So there remains no doubt about the fact that P&T Department is an Industry. I must confess that in I. D. No. 119/85, on the preliminary issue raised on behalf of Postal Department it was held by me that it is not an industry within the meaning of section 2(s) I.D. Act. The mistake, although it would not have affected the ultimate fate of case in view of the law laid in Full Bench Ruling 1984 Lab. IC 628 (Supra), took place because proper arguments were not made on behalf of the workman who was represented by Shri V. N. Sekhari, who is also representing the workman in the present case, despite giving ample opportunity as will be evident from para 12 of the findings in that I.D. Case. Shri Sekhari neither referred to the ruling 1983 Lab. IC 135 (Supra) nor pointed out it conceded position as referred to in para 5 of the Full Bench Ruling, stated above. The conceded position as it occurs in the very few lines of para 5 of the full bench ruling also escaped my notice due to oversight. The Full Bench Ruling was in respect of a temporary employees whose order of termination had been set aside and who had filed applications under section 33C (2) I.D. Act for computation of money benefits. Their Lordships of the Full Bench held that Industrial Disputes Act is a general law relating to industrial disputes whereas rules relating to the temporary employees in the P&T Department are special provisions applicable to a particular class. These special rules relating to the temporary government servants therefore, exclude the general provisions of the Industrial Disputes Act. They therefore, held that temporary class 3 employees governed by Central Civil Services (Temporary Service) Rules, 1965 were not entitled to invoke section 33C(2) I.D. Act, and as much the Tribunal constituted under the I.D. Act had no jurisdiction to consider their claim. In I.D. No. 119/87, the employee was Senior Post Master, who was appointed as clerk in the Return Letter Office Bombay, P&T, department of the Central Government by Post Master General on 13-10-47. His case was, therefore, governed by the Central Civil Service (Classification, Control and Appeal) Rules, 1965.

26. Now let us examine the case of Shri Pandey in the light of the Full Bench Ruling (supra). Their Lordships summarised the points highlighted in by the Hon'ble Supreme Court in the case of Bangalore Water Supply & Sewerage Board V. A. Rajappa 1978 Lab. IC 467, as under :

Para 9 :

- "Rules under Article 309 of the Constitution" may expressly or by necessary implication exclude the operation of the Industrial Disputes Act. That is a question of interpretation and statutory exclusion.
- Constitutional and competently enacted Legislative provisions may well remove from the scope of the Industrial Disputes Act categories which may have covered thereby.

(c) Only those services which are governed by separate rules and constitutional provisions such as Articles 310 and 311 should strictly speaking, be excluded from the sphere of Industry by necessary implication. (Beg CJ concurring)

(d) If express rules under other enactments govern the relationship between the state as an employer and its servants as employers, it may be contended on the strength of such provision, that a particular set of employees are outside the scope of the Industrial Disputes Act for that reason. The special excludes the applicability of the General.

17. In paras 10, 19, 20 and 23 Their Lordships observed as follows:

"It is also significant to note that the proviso to Article 309 clearly lays down that any rules as made shall have effect subject to the provisions of any such Act.

That is if the appropriate Legislature has passed an Act under Art. 309, the rules framed under the proviso will have effect subject to that Act. but in the absence of any Act of the appropriate Legislature, on the matter in our opinion, the rules made by the President or by such person as he may direct, are to have full effect, both prospectively and retrospectively.

(... Para 10)

It is clear therefore, that the rights and liabilities of the Temporary Government Servants in the P&T Department are to be found in these rules framed under Article 309 of the Constitution. The duration of the temporary service, the mode of termination the conditions under which they can claim any monetary benefit or termination of their service are all contained in these service rules".

(... Para 19)

It is now no longer in dispute that the Government Servants, unlike their counterparts in industrial establishments are not mere contractual employees but have acquired a status protected by statutes and guaranteed by the Constitutional Safeguards under Article 310 of the Constitution.

This court cannot thus ignore the rules, nor efface them from the statute book simply because there is the Industrial Disputes Act Chapter V-A, of the I.D. Act can be pressed into service only in these cases where these special rules relating to temporary Government servants cannot apply. It can thus be safely ruled that the special rules under Art. 309 in respect of the temporary employees in the P&T Department exclude the provisions in Chapter V-A of the I.D. Act.

(... Para 20)

para 23:

Industrial Disputes Act, therefore, is a general law relating to industrial disputes. Rules relating to the temporary employees in the P&T Department are special provisions applicable to a particular class. These rules take note of special feature of these categories of Government Servants and take care of their tenure and termination. Entry 61 in list 1 relates to industrial disputes concerning union employees. There was no such entry in the Government of India Act. It seems thus to be clear that the Union is now armed with a specific entry in list I to embark on a fresh legislation relating to industrial disputes concerning union employees, a special subject, incidentally implying that the field under entry 22 List III is of general application. In fact both the Centre and States have enacted several laws where specific provisions for industrial disputes in particular industries have been made, notwithstanding Act 14 of 1947. The special rules relating to the temporary Government ser-

vants thus exclude the general provision in the Industrial Disputes Act".

(... Para 23)

28. In the instant case, it is the admitted position that the service conditions of the workman are governed by BDA Rules (Conduct and Service), 1964. Since no submission have been made in this regard it is not possible to express any final opinion on the point whether or not they will exclude the application of the provisions of the I.D. Act, to the facts of the present case despite the fact that Post and Telegraphs Department is an Industry within the meaning of section 2(j) of the Industrial Disputes Act.

29. The reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-40012/23/85-D.II(B)]

का. आ. 3510.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे प्रशासन के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-88 प्राप्त हुआ था।

S.O. 3510.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway Administration and their workmen, which was received by the Central Government on the 27th October, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 98/87

In the matter of dispute between:

Shri Babu Singh through The Chairman, All India SC/ST
Railway Employees Association, AMC 219/18,
Gujarwara, Diggi Bazar, Ajmer (Rajasthan).

Versus

The General Manager, Western Railways, Churchgate,
Bombay.

APPEARANCES:

Shri B. P. Singh—for the workman.
Shri G. K. Thawani—for the Management.

AWARD

The Central Government in the Ministry of Labour vide Order No. L-33(27)/86-I/D.II(B) dated 28-9-87 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Railway Administration of Western Railway is justified and legal in not allowing promotion to Shri Babu Singh, CTI, Ajmer as CTI/HTC W.E.F. 12-5-1965, if, so to what relief workman is entitled?"

2. Some of the undisputed facts are that the claimant workman Shri Babu Singh is a member of Scheduled Castes and he joined service with the Western Railway as Ticket Collector with effect from 18-9-53 at Udaipur. He was promoted as Travelling Ticket Examiner (TTE) on 25-3-54 in the then Ajmer Region. Prior to 1-8-56, the working of the Western Railways was based on regional system divided into three regions viz., Ajmer Region, Condal Region and Bombay Region. From 1-8-56 the regional system was abolished and Divisional system of working was introduced. Ajmer Division was one of the Divisions. One post of Head Ticket Collector

(HTC) at Mehsana had fallen vacant on 18-2-57, consequent upon the incumbent Gajindra Lal proceeding on leave preparatory to retirement. Shri Kishan Lal (Scheduled Caste) was promoted as HTC with effect from 1-4-57 against the said post. The Management of the Western Railways issued Circular Notification dated 12-5-65 (Ex. W-2) for the first selection for promotion after Divisionalisation on the basis of written test and viva-voce to be held on 18-6-65. A list of 40 eligible candidates was included therewith. Shri Babu Singh workman was one of the Scheduled Castes candidates in the said list of 40 persons. Out of the 10 posts for which selection was to be made two posts were reserved for Scheduled Castes and the roster points were 1 and 9. A panel of 10 candidates approved for promotion as CTI/HTC was notified vide letter dated 2-11-65 (Ex. W-6) issued from the office of Divisional Superintendent. The tenth person on the panel was the Scheduled Caste candidate Shri Khet Ram Lilaji shown at No. 1 amongst the Scheduled Caste candidates and at S. No. 37 in the list of eligible candidates circulated vide Notification dated 12-5-65 (W2). In the notification dated 12-5-65 (Ex. W-2) it had been mentioned that one vacancy reserved for Scheduled Castes and one for Scheduled Tribes had already been set off. Shri Babu Singh and other Scheduled Castes candidates made representations that the setting off of one post each of Scheduled Castes and Scheduled Tribes was wrong as no other selection had been made after the Divisionalisation. All the said representations were rejected. Shri Lal Chand was promoted as HTC/CTI against a Scheduled Castes vacancy in the year 1973 and was assigned seniority with effect from 15-9-67. Subsequently it was discovered that Shri Lal Chand did not belong to the Scheduled Castes and consequent the workman Babu Singh was given promotion as HTC/CTI against Scheduled Castes quota in place of Shri Lal Chand by letter dated 29-5-84. Shri Babu Singh was assigned seniority with effect from 12-1-73 but without any financial benefits.

3. The case of the workman is that the panel drawn up in the year 1965 (W-6) was wrong and faulty because as per the then divisional communal roster the panel should have had two candidates from the Scheduled Castes against roster points 1 and 9 and that one vacancy of Scheduled Castes could not have been set off as mentioned by the Management in the circular dated 12-5-65 (W2) because this was the first selection held after the Divisionalisation of Western Railways. The claim of the workman is that Shri Khet Ram should have been appointed against roster point No. 1 and the workman should have got the second vacancy against roster point No. 9. The workman has sought promotion with back wages with effect from 27-2-66, the date from which Shri Khet Ram, one place senior to him, was promoted. It is the further case of the workman that the action of the Management in giving proforma promotion to him with effect from 12-1-73 is wrong and arbitrary because Shri Lal Chand, whose promotion was set aside as he did not belong to the Scheduled Castes, had been given promotion with effect from 15-9-67 and consequently the workman should also have been given promotion at least with effect from 15-9-67.

4. The Management in a lengthy, but seethed in confusion, written statement, has justified its actions and asserted that the workman has been correctly assigned his seniority and he is not entitled to any relief. It has been stated that the vacancy of CTI which became available on 18-2-57 when Shri Gajender Lal proceeded on leave preparatory to retirement, was actually filled on ex-regional basis and Shri Kishan Lal Scheduled Caste candidate was given promotion against the said vacancy according to the first roster point. Thus the two vacancies reserved for Scheduled Castes in the panel of 10 persons vide circular dated 12-5-65 (W2) were consumed by Shri Kishan Lal and Shri Khet Ram Parihar. It was further stated that the claimant was wrongly shown to have been promoted vice Shri Lal Chand as Shri Kanshi Ram who was senior to the claimant should have been shown as promoted vice Shri Lal Chand and the claimant should have been shown as promoted vice Shri Kanshi Ram. At another place, it has been stated that as per roster point prevailing in the year 1965, only one post was to be reserved for Scheduled Caste candidates and Shri Khet Ram was placed on the panel against roster point No. 1. Subsequently, it was decided that Shri Lal Chand belonged to Scheduled Caste and roster point No. 1 consumed in the year 1962 was not to be treated as consumed and Shri Lal Chand was given promotion

from 1967 against the deficiency of 1965 against roster point No. 9. After it was decided that Shri Lal Chand did not belong to Scheduled Caste community, this point would go to next senior Scheduled Caste candidate, Shri Kanshi Ram who is definitely senior to the claimant. Yet at another place, it has been stated that Shri Khet Ram and Kanshi Ram, who also belonged to the Scheduled Castes community, were senior to the claimant and when they did not stand a chance to be promoted from 27-2-1966, Shri Babu Singh did not stand any chance at all.

5. First of all, I will deal with the objection of the Management that the case of claimant suffers from latches. Although, this objection was raised only at the time of arguments and no objection has been made in the written statement, yet, it is seen that the workman had been protesting and representing for being denied promotion against the reserved vacancy for Scheduled Castes right from the beginning and, as shall be shown presently, it is the Management which has been totally unresponsive and callous in its attitude and actions. Ex. W-4 is a letter dated 24-5-65 which was addressed by the workman to the Management seen after the circular dated 12-5-65 (W2) was issued and in this it was pointed out that since Divisionalisation no selection was made and, therefore, the question of setting off on vacancy each of Scheduled Castes and Scheduled Tribes did not arise. Again on 11-6-65 (W-5) a telegram was sent by the Scheduled Castes candidates, including the workman, for postponement of selection pending decision on their appeals. Ext. W-7 is a letter dated 22-2-67 sent by the Management rejecting the representation dated 9-1-67. Ex. W3 is another letter dated 1-5-71 from the Management which has reference to the application dated 29-3-71 of the workman whereby he was informed that his representation had already been rejected and any such recurrence in future will be viewed seriously. Moreover, as per admission of the Management itself in the written statement, it was in the year 1984 that it was found Shri Lal Chand did not belong to the Scheduled Castes community and this error was rectified. Thus, where the Management itself realised as late as the year 1984 that it had mistakenly promoted Shri Lal Chand against Scheduled Castes vacancy, it ill lies in its mouth to raise the objection of latches against the workman.

6. A cursory reading of the written statement of the Management and the documents placed on the record, establishes conclusively that the initial stand taken by the Management that one out of the two vacancies for Scheduled Castes reserved in the panel of 1965 had been set off was totally arbitrary and without any justification. It is the admitted case of Management that Divisionalisation took place in the Western Railways with effect from 1-8-56 and the mapping of the vacancies on Divisional basis became effective for the vacancies that arose on or after 1-9-57 (see letter dated 7-9-57 Ext. M-7). In the circular dated 12-5-65 (W2) it was simply stated that one vacancy reserved for Scheduled Castes and one for Scheduled Tribes had already been set off. However, the names of the Scheduled Castes and Scheduled Tribes employees purported to have been promoted against the said vacancies were not disclosed. This silence was maintained by the Management in spite of repeated representations by the Scheduled Castes candidates and it was broken only in the last para of page 2 of the written statement of the Management, wherein it was disclosed that Shri Kishan Lal had consumed roster point No. 1. However, the said Shri Kishan Lal (SC) who had been promoted in 1962 with seniority with effect from 1-4-57 could not have been adjusted against the Scheduled Caste vacancy in the panel drawn up in 1965 because he had been given promotion on regional basis and the 1965 selection was the first selection after Divisionalisation and pre 1-9-57 vacancy could not be included in it. This position is implicitly admitted by the Management in its averments contained in para 20 of the written statement, the relevant portion of which, for facility of reference, is reproduced below :—

"As per roster point prevailing in the year 1965 only 1 post was to be reserved for SC candidate and Shri Khet Ram was placed on the panel against roster point No. 1 subsequently it was decided that Shri Lal Chand belonged to SC community and roster point No. 1 consumed in the year 1962, was not to

be treated as consumed. Shri Lal Chand was given promotion from 1967 against deficiency of 1965 against roster point No. 9. After it was decided that Shri Lal Chand did not belong to SC community, this point goes to next senior SC candidate Shri Kanshi Ram, who is definitely senior to the applicant Shri Babu Singh. Moreover the applicant did not qualified in the selection held in 1965.

It is clear that the Management admits that it committed a mistake and that one of the vacancies of Scheduled Castes in the 1965 panel could not have been set off, now, instead of promoting Shri Babu Singh workman who was the next senior person to Shri Khet Ram who had already been included in the 1965 panel, the Management took another wrong step in giving promotion to Shri Lal Chand, a Non-Scheduled Castes person, against one of the Scheduled Castes vacancy reserved in the 1965 panel. As already observed, the order of promotion of Shri Lal Chand against the Scheduled Castes vacancy were issued in the year 1973 but he was given seniority with effect from 15-9-67. Thereafter, in the year 1984, the Management realised its mistake of having given promotion to a Non-Scheduled Castes person against a reserved vacancy for Scheduled Castes. The mistake was rectified to certain extent by giving promotion to Shri Babu Singh workman vide the letter dated 29-5-84 (W-12) but it was compounded further by assigning him seniority with effect from 12-1-73 instead of with effect from 15-9-67 which was the date of seniority assigned to Shri Lal Chand. No explanation has been given as to why Shri Babu Singh workman was not assigned the seniority with effect from 15-9-67 when his predecessor Shri Lal Chand, whom he replaced against the same Scheduled Castes vacancy, was assigned seniority with effect from 15-9-67. The action of the Management was patently wrong and arbitrary.

7. The Management has now added a new twist by pleading that the roster point vacated by Shri Lal Chand goes to Shri Kanshi Ram who is definitely senior to Babu Singh workman and that Babu Singh had not qualified in the selection held in 1965. In the first instance, these averments are a total afterthought and must be rejected with contempt. It may also be asked as to why Babu Singh workman has been given the promotion in place of Shri Lal Chand and not Shri Kanshi Ram, who is alleged to be senior to Shri Babu Singh. Right till the filing of the written statement, it was never the case of the Management that Shri Babu Singh did not qualify in the selection held in 1965 and the only contention of the Management has been that one of the two vacancies of Scheduled Castes in the 1965 panel had been set off. It may also be asked that if Shri Babu Singh is not qualified for promotion as CTI/HTC, why he has been given the promotion in place of Shri Lal Chand who had been wrongly adjusted against one of the reserved vacancies for Scheduled Castes in the 1965 panel, which, in other words, means that the said Scheduled Castes vacancy in the 1965 panel has been given to Babu Singh workman. All this demonstrates that the Management wants to deprive the workman of his rightful promotion and benefits accruing there upon, at all costs, whether by hook or by crook.

8. To set the record straight, the question whether Shri Kanshi Ram is senior to Shri Babu Singh workman may be examined. The hierarchy of promotion posts relevant in the present case, is Ticket Collector (TC) Travelling Ticket Examiner (TTE) and Chief Ticket Inspector (CTI)/Head Ticket Collector (HTC). It is an established principle of service law that for the purposes of promotion, seniority in the grade from which the candidate is promoted is to be considered and not the date of entry into service. For purpose of promotion of CTI/HTC, the seniority in the grade of TTE is relevant. The order dated 10-10-55 (W6) would indicate that Shri Kanshi Ram was promoted TTE with effect from 10-10-55, whereas it is an admitted fact that Shri Babu Singh workman was promoted TTE with effect from 25-3-54. Ext. W-18 is another order dated 2-3-66 issued by the Management which shows that Babu Singh workman was confirmed TTE with effect from 24-5-1956 whereas Shri Kanshi Ram was confirmed TTE with effect from 8-5-57. In the order dated 29-5-1984 (W12) whereby Shri Babu Singh was given promotion vice Shri Lal Chand, it has been clearly mentioned that the seniority of Shri Babu Singh workman fell between Bheek Singh and Shri Kanshi Ram. It is therefore, conclusively proved that Shri Babu Singh is senior to Shri Kanshi

Ram and the management has raised a false plea that Shri Kanshi Ram is senior to Shri Babu Singh.

9. Another point that requires some consideration is the alleged instructions of the Railway Board for non-payment of arrears in the matter of promotion. This question was examined by the Honble Supreme Court of India in the case of Shaikh Menoob Versus Railway Board and others 1982(1) S.L.R. 455, wherein it was held as under:—

"The denial of arrears of salary to the petitioner cannot be supported. The petitioner had right to be considered for promotion on the dates when it was due in view of the right of equality guaranteed under Article 14 of the Constitution and right to equal opportunity in matters relating to employment guaranteed under Clause (1) of Article 16 of the Constitution. The said valuable rights guaranteed by the Constitution cannot be denied in the first instance and thereby deny the civil servant the opportunity to render service in the higher post and subsequently make it a ground for justifying the arrears of salary after according retrospective promotion, at some point of time later. The giving effect to the circular as against the petitioner having regard to the facts and circumstances of the case, would amount to violation of the fundamental rights guaranteed under Article 14 read with clause (1) of Article 16 of the Constitution."

10. In the light of the discussion made above, this reference is answered in favour of the workman and against the Management. It is held that the action of the Management of the Western Railways is wholly illegal and unjustified in not allowing promotion to Shri Babu Singh on the basis of 1965 panel. It is further held that Shri Singh is entitled to promotion as CTI/HTC with effect from 27-2-66, the date from which his next senior Shri Khet Ram was promoted and not with effect from 12-5-65 as mentioned in the Schedule to the order of reference. It is further directed that the workman shall be paid arrears of salary and other consequential benefits of promotion as CTI/HTC with effect from 27-2-66 with compound interest @ 12 per cent per annum till date of actual payment. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

G. S. KALRA, Presiding Officer

6th October, 1988.

[No. L-33/27/86-Con. I/D.II(B)]

का. आ. 3511.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय-पुरातत्व सर्वेक्षण के प्रवर्तन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचयत को प्रकाशित करती है जो केन्द्रीय सरकार को 27-10-88 प्राप्त हुआ था।

S.O. 3511.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India and their workmen, which was received by the Central Government on the 27th October, 1988.

ANNEXURE

BEFORE SHRI G. S. KAIRA : PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NEW DELHI

I.D. No. 78/84

In the matter of dispute between :

Workmen through The President, Archaeological Survey
Mazdoor Union, 480 Section 3, R. K. Puram, New Delhi-22.

Versus

The Director General, Archaeological Survey of India,
Janpath, New Delhi.

APPEARANCES

Shri Surinder Singh for the workmen, Shri Narinder
Chaudhary for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012(2)/84-D.II(B) dated 12th December, 1984 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Archaeological Survey of India in not calling the departmental candidates over 35 years of age along with the candidates sponsored by the Employment Exchange for the Post of Caretaker is legal and Justified? if not, to what relief are the workmen Concerned entitled?"

2. The case of the workmen as per statement of claim filed by the Archeological Survey, Mazdoor Union (hereinafter referred to as the Union), is that the Management of Archaeological Survey of India carried out selection for the post of Caretaker on 13-2-83 for which the workmen over 35 years of age were not called for interview whereas in the interviews for the post of caretaker held on 9-4-80 and 11-12-81 employees of over 35 years' of age were called for interview and selected. Therefore, action of the management in not calling workmen also over 35 years of age for interview on 14-3-83 was arbitrary and unjustified, discriminatory and against the Rules. It has been prayed that the selection for the post of Caretaker made on 14-3-83 be declared as invalid and all the eligible employees may be promoted as caretakers w.e.f. 14-3-83 and they may also be paid arrears of pay.

3. The Management in its written statement raised the plea that the Archaeological Survey Mazdoor Union is not a recognised body and the petition is not maintainable and that the Archaeological Survey of India is an attached office of the Ministry of Human Resources Development (Department of Culture) and is not an "Industry". On merits it was submitted that as per recruitment rules for the post of Caretaker in Archaeological Survey of India, 50 percent of the posts are filled by direct recruitment by inviting candidates sponsored by Employment Exchange and these eligible departmental candidates who possess the requisite qualifications and are within 35 years of age in case of general candidates and 40 years in the case of Scheduled Caste and Schedule Tribe Candidates. The remaining 50 per cent of the vacancies are filled by promotion from amongst senior Monument Attendants with 4 years service in the grade or six years combined regular service in the grade of senior Monument Attendants and Monument Attendants failing which Monument Attendants with six years service in the grade and there is no age limit for such promotions. As per Government Instructions the age limit for Departmental Candidates to be considered for vacancies for direct recruitment is 35 yrs. for general candidates and 40 years for scheduled casts and scheduled tribe candidates. Accordingly calling of departmental candidates for interview who have crossed the age of 35 years/40 years is in violation of the Government instructions. First of all the preliminary objections raised by the Management may be considered. The Union has contended that it is a registered Trade Union and in support has produced the photo copy of the certificate granted by the Indian National Trade Union Congress (W-10) dated 2-11-83 and certificate of registration Ex. W-11 dated 16-4-85. It is further contended by the Union that not only recognised Union but a registered Trade Union and even unregistered Trade Union can raise an industrial dispute and in support it relied upon the authority State of Bihar Vs. Kirpa Shanker Jaiswal AIR 1960 Supreme Court 1329. I am inclined to accept the contention of the Union and held that the Union is competent to raise this Industrial Dispute. As regards the objection of the Management that it is not an 'Industry' it appears to have been raised for the sake of objection only because it has so many times been held earlier that Archaeological Survey of India constitute an 'Industry'. Moreover, it fully meets the triple test of 'Industry' as laid down by the Hon'ble Supreme Court of India in the case

Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others AIR 1978 Supreme Court 548=1978 Lab. I. C. 467 and hence this objection of the Management has no substance and is hereby rejected.

5. As regards the merits of the case, at the outset it may be observed that the attitude of the Management has been quite non-cooperative. It filed its written statement after taking so many adjournments. In the written statement it was mentioned that a copy of the recruitment rules had been attached. However, no such rules were actually attached with the result that the Rules which are claimed to have been followed by the Management while carrying out the impugned selection for Caretakers on 14-3-83 are not available till date. The evidence of the workman was recorded on 17-8-87. Thereafter a number of opportunities were given for production of management evidence but it failed to produce any evidence. Hence all presumptions must be drawn against the Management.

6. In support of its case, the Union has examined WW1 Shri Inder Singh Bhardwaj who stated that his own date of birth is 12-11-45 and another employee Shri Keshav Dutt Joshi's date of birth is 12-10-41. He further assumed that it was wrong to say that for direct recruitment to the post of Caretakers the Departmental Candidates should be under 35 years of age because the Management had appointed a number of departmental candidates who are 35 years and above in age as caretakers. As an example he cited the case of Hukam Singh whose date of birth is 10-6-1942 and was promoted as Caretaker when his age was over 40 years. Not only that one Shri K. D. Joshi was promoted as Caretaker on ad-hoc basis along with Hukam Singh on 11-3-80 vide Order No. 2537 dated 20-3-80 (Ex. W-5) when he was above 35 years of age. This goes to show that for promotion from Class IV to Class III age has never been of consideration to the Management. Even the witness Inder Singh Bhardwaj himself was called for interview for promotion as Caretaker earlier when he was over 35 years of age, but for the interview held on 14-3-83 he was not considered on the ground that he was over 35 years of age. Similarly Shri K. D. Joshi was not called for interview whereas Shri Hukam Singh who was about 40 years of age and was a general candidate was appointed as Caretaker. It is significant to note that ages of various persons mentioned in the affidavit of the witness have not been disputed in his cross-examination. There is also no rebuttal to the evidence of this witness and hence his evidence must be accepted as correct. The documents placed on record by the workmen also support the case of the workmen and negative that of the Management. Ex. W-1 is an O.M. issued by the Cabinet Secretariat according to which for the purpose of direct recruitment the class IV employees registered with the Employment Exchanges should be allowed to deduct from their actual age the period spent by them in Government Service and if after deducting this period, they are within the maximum age limit prescribed for the service or Post for which they are registered they should be considered eligible. Now WW1 Inder Singh Bhardwaj has stated that he was appointed on 20-1-72 as Monument Attendant. In other words he had put in more than 11 years of service when the impugned interview took place on 14-3-83. His date of birth is 12-11-45 which will mean that he was about 37-1/2 years of age at the time of the impugned interview. Now if the period of 11 years of service is deducted from his age he becomes eligible for the interview even if it was assumed that the Maximum age limit for departmental candidates was 35 years. Here it may be observed that no rules have been placed on record which go to show that the maximum age limit for departmental candidates for the purpose of direct recruitment was 35 years. Thus the Management was clearly in error in not calling Inder Singh Bhardwaj workman for the interview. The same can be similarly said of the other workman Shri K. D. Joshi. Ex. W3 is an office order dated 29-5-79 whereby Shri K. D. Joshi was appointed as Foreman w.e.f. 1-6-79. As on the date of this order his age of K. D. Joshi was nearly 38 years. Similarly, Ex. W-4 is an office order dated 18-12-79 whereby Shri K. D. Joshi and Hukam Singh were appointed as Caretakers on ad-hoc basis and at the time both these persons were above 35 years of age. Ex. W-5 is another such order dated 20-3-80. Ex. W-6 is a letter dated 18-3-80 addressed by the Management to Shri K. D. Joshi intimating him that as his name had been sponsored by

the Employment Exchange for the post of Caretaker, he was called upon to appear for interview. On 9-4-80, it may be noted that as on 18-3-80, 9-4-80 the age of Shri K. D. Joshi was more than 38 years. This is a clear instance which shows that departmental candidates who were above 35 years of age were not being called for interview, direct recruitment to the post of caretaker and it falsifies the contention of the Management that departmental candidates above 35 years of age were not being called for interview. Ex. W-7 is another such letter issued to Shri K. D. Joshi for the interview held on 11-12-81 and the same observations apply to this letter.

7. The evidence produced by the Union clearly proves that for the interview held on 9-4-80 and 11-12-81 for direct recruitment to the post of caretakers, departmental candidates of 35 years and above age were also being called. The evidence further proves that age was never of any consideration while making ad-hoc appointments to the post of caretaker, while the Management has not been able to produce any rules which specify that the maximum age for departmental candidates for the purposes of direct recruitment is 35 years in the case of general category and 40 years in the case of Scheduled Castes and Scheduled Tribe candidate, the office memorandum dated 12-8-57 issued by the Cabinet Secretariate (copy Ex. W-1) lays down that the service rendered by departmental candidate should be deducted from the actual age of the candidate and if after such deduction the candidates are within the maximum age limit, they should be considered as eligible. This further goes to prove that the workmen cited as examples were eligible for being considered for the interview held on 14-3-83 and the Management was clearly wrong in not calling them for interview. Under the circumstances, the action of the Management in not calling departmental candidates over 35 years of age alongwith candidates sponsored by the Employment Exchange for the post of caretaker in the interview/selection held on 14-3-83 was illegal and unjustified.

8. In view of the discussion made above, this reference is answered in favour of the workmen and against the Management. However, as the persons selected/promoted as caretakers in the impugned selection interview having not been impleaded as parties to this dispute, it will not be fair and proper to set aside the entire selection made on 14-3-83. All the same the Management has been at fault and the concerned workmen have been deprived of their right to be considered for promotion. It is, therefore, directed that all these employees who were otherwise eligible and were not called for interview on the ground that they were above 35 years of age, shall be called for and duly considered for all future vacancies and given priority. The Management is also burdened with costs of Rs. 2000 which shall be paid to the Union within one month of the enforcement of the award. This reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

21st October, 1988.

G. S. KALRA, Presiding Officer
[No. L-42012/2184-D. II(B)]

श्रम मंत्रालय

नई दिल्ली, 11 नवम्बर, 1988

का. भा. 3512.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय पुरातत्व सर्वेक्षण के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

New Delhi the 11th November, 1988

S.O. 3512.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India and their

workman, which was received by the Central Government on the 1-11-88.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

I.D. No. 94 of 88

In the matter of dispute between :

The Secretary,
Archaeological Survey of India Mazdoor Union,
39 River Bank Colony,
Behind Canteen Lucknow.

AND

The Superintendent
Archaeological Survey of India,
Baligarh Cottage,
Gopalganj Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-42011/54/87-D.II(B) date not visible of 1988 has referred the following dispute for adjudication :

Whether the action of the Superintendent Archaeological Survey of India in terminating the services of S/Shri Jai Bahadur & S. Prasad w.e.f. 1-4-87 is justified? If not to what relief is the workmen concerned entitled to?

2. In the instant case claim statement was filed on 5-9-88 from the side of the workmen and on the same date management moved an application for filing settlement in the case, on which 3-10-88 was fixed at Camp Lucknow, for filing the settlement from the side of the management.

3. On 3-10-88, management filed settlement under the signature of the Superintending Archaeological without specifying the date of terms of settlement and without the signature of the workmen on it. However, the workman was asked to read it upon which Shri Jai Ram* made endorsement to the effect that whatever is written in this settlement is true to the best of his knowledge and the case be decided in the light of the settlement. Request to this effect has also been made by the management.

4. The terms of settlement read as under :

(i) It is informed that the workmen concerned S/Shri Jai Bahadur and Someshwar Prasad have already been re-engaged as casual worker in the Archaeological Survey of India, Lucknow, as per the rules and regulations of the Deptt.

(ii)

5. Thus no controversy remains in the case and as such reference is decided in the light of the terms of settlement.

6. Reference is answered accordingly.

*Secretary of the union.

ARJUN DEV, Presiding Officer
[No. L-42011/54/87-D.II(B)]

का. भा. 3513.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर जनरल, नई दिल्ली के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-88 को प्राप्त हुआ था।

S.O. 3513.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to

the management of Post Master General, New Delhi and their workmen, which was received by the Central Government on the 2nd November, 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NEW DELHI
I.D. No. 86/88

In the matter of dispute between :

Shri Satya Narain Sharma through Shri B. S. Rakta,
General Secretary, I.N.T.U.C., Distt. Sonapat,
I.N.T.U.C. Bhawan, M.T. Sonapat.

Versus

Senior Superintendent of Post Office, New Delhi, South
West Division, Chankya Puri, New Delhi.

APPEARANCES :

None—for the workman.

Shri U. M. Kalra with Shri Bihari Lal.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/39/87-D.D II dated 5-8-88 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Post Master General New Delhi is not allowing Shri Satya Narain Sharma to sit in the examination for regular appointment is justified ? If not, to what relief is the workman entitled ?

2. The workman did not file the statement of claim although in the order of reference itself he was directed to file a statement of claim alongwith documents relied upon within 15 days. Inspite of registered notice having been sent the workman even did not put in appearance. Shri Jog Singh Advocate had appeared on behalf of the Union who has raised the present dispute. Even the Union has not filed any statement of claim and none appeared on its behalf on 24-10-88, the date fixed for hearing. Under the circumstances this reference is disposed of for non-prosecution and no dispute award is given.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Govt. for necessary action at their end.

G. S. KALRA, Presiding Officer
[No. L-40012/39/87-D.II(B)]

26th October 1988.

का. प्रा. 3514.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर परसोनेल ऑफिसर, नारबर्न रेलवे के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

S.O. 3514.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Senior Personnel Officer, Northern Railway, and their workmen, which was received by the Central Government on the 1-11-88.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

Industrial Dispute No. 59 of 1986

In the matter of dispute between :

Shri Ram Bhaion & others.

C/o Shri B. D. Tiwari,

Zonal President
Uttar Railway, Amchhari Union,
96/196 Eosh, Raj Lane,
Ganesh Ganj, Lucknow.

AND

The Divisional Personnel Officer,
Northern Railway, Hazaratganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/35/85-D.II(B) dt. 17-3-86, has referred the following dispute for adjudication to this Tribunal:

Whether the action of the Divisional Personnel Officer, Northern Railway, Hazaratganj, Lucknow, in terminating the services of Shri Ram Khilawan employed as Porter at Jagundar Station is Legal and justified? If not, to what relief the workman is entitled to ?

AND

Whether the action of the management of the D.P.O. N. Rly, Lucknow in not regularising the services of the 15 workmen (mentioned below) employed as substitute Porters is proper and justified ? If not, to what relief these workmen are entitled to ?

Name	Appoint- ment Date	Working days
1. Om P. Singh Srivastava	26-6-77	800
2. Lal Baksh	11-7-77	875
3. Om P. Singh	29-5-77	971
4. Ram Sanchi	27-1-77	500
5. Jai Singh	19-7-77	945
6. Krishan Kumar	15-7-77	825
7. Sushil Kumar	9-2-77	1125
8. Ram Tej	19-4-78	985
9. Dinesh Chander Tiwari	1-7-77	885
10. Jaynath	31-1-78	1000
11. Shivpratap Tiwari	19-1-77	750
12. Ram Swarath	29-12-77	1200
13. Ram Bhajai	27-7-77	985
14. Laxmi Prasad	9-3-77	725
15. Ashok Roy	6-3-78	800

2. The case of the 15 workmen referred to above is that all of them were recruited as station porters at Lucknow, on days noted above and have worked for days shown against their names.

3. They allege that all of them have completed more than 240 days of work in a year and have also acquired temporary status vide P S No. 6101 and 6103. They are being given authorised scales of pay and one free pass each year besides casual leave. They also allege that they are all pre-1-6-78 appointees after which recruitment was banned by the Railway Administration. Despite the said ban, the management recruited 200 leave reserved porters in Lucknow and treated them as regular temporary staff whereas their services were treated as casual. Consequently whereas leave reserved staff are being given continuous duty, they are not. They have therefore, prayed that they be treated as regular railway employees with all consequential benefits such as seniority promotion and confirmation.

4. The case of workman Shri Ram Khilawan, is that he has been working as station porter at Jagundar Station since 26-2-71. He worked upto 13-11-84, continuously completing more than 361 days in a calendar year. Thereafter, his services were terminated. He was again given short engagements upto 15-11-85, but after that he has been made to sit at home permanently. According to him his services were terminated by the management without complying with the provisions of section 25-F I.D. Act. Not only that junior to him have been retained in service and even fresh recruitment has been made without calling him. Thus the management has even committed breach of provision of section 25C and 25H of the I.D. Act. He has also, therefore, prayed that he should be treated as regular employee entitled to seniority, promotion etc. Another fact alleged by him is that as will be evident from the list annexed to his claim statement he has worked for 2267 days upto 15-11-85. I may state here that

the claim statement has been filed in his capacity as Zonal Working President Karamchhari Union on behalf of the workmen.

D. Tiwari, in Uttar Railway

5. With regard to workman Shri Ram Khilawan, the management pleads that his services have been terminated by it. He has been working since 26-2-71 against day to day casualties rather short term vacancies. As such the question of non-compliance of section 25F of I.D. Act, does not arise at all. The management further pleads that at Jaguar Station there is no substitute other than Shri Ram Khilawan. The management denies that any fresh recruitment was made at the said station. As such the question of breach of section 25G and 25H on its part does not arise. Since there has been no retrenchment of the workman the claim is not maintainable. He still continuing in service even after 13-11-84. On the point of regularisation of his services the management pleads that he cannot be regularised unless and until he is selected by Screening Committee. The seniority is always based on the merit position in the panel which is based on working days. Lastly, the management pleads that Shri B. D. Tiwari, who described himself as Zonal President Uttar Railway Karamchhari Union, is not authorised to file the case on behalf of this workman.

6. With regard to the 15 workmen, the management denies that they have completed more than 240 days in a year continuously. The management also denies that they have acquired temporary status. According to the management P.S. No. 6101 and 6103 are not applicable in their case. The management however, dispute the fact that these workmen are being given authorised scale of pay and free passes. They are not entitled to LAP, Uniform and annual increments as per rules. They are simply daily rated workmen. They were engaged as casual labour and their services were utilised only against casualities. Their appointment was not on regular basis. However, their names have been sent to the Divisional Office, Lucknow, for screening and if they qualify the screening test, they will be appointed on regular basis. They being not regular employees, they are not entitled to benefits like seniority, promotion, confirmations etc.

7. The fifteen workmen have also filed rejoinder in which they have alleged that they are getting casual leave and every other facilities which are provided to temporary railway servants. Except 5 workmen, namely, S/Shri Ram Bhajan, Om Prakash, Laxmi Prasad, Lal Bahadur and Om Prakash Srivastava, rest have all worked continuously and even have completed 240 days of working in the year 1986. All of them are substitute temporary employees, senior to all the leave reserved porters, who were recruited in 1973.

8. No rejoinder has been filed on behalf of workman Shri Ram Khilawan.

9. In support of their case, the 15 workmen filed the affidavits of S/Shri Ram Bhajan S/o Mahraj Deen, Susheel Kumar son of Debi Saran, Underjeet son of Ram Aoudh, Dinesh Chandra son of Bishan-shwar Nath, Pratap Tiwari son of Satya Ram Tiwari, and Tej Narain S/o Chhanu, but they produced only Shri Ram Bhajan in the witness box for the purposes of cross examination on the hands of authorised representative for the management.

10. After this case was reserved for award Shri B. D. Tiwari authorised representative for the workmen filed the affidavit of the remaining 9 workmen only for the purposes of showing parentage of these workmen.

11. The management however, did not file the affidavit of any railway employee nor examined him in support of their contention.

12. So far as Shri Ram Khilawan workman is concerned, he filed no affidavit in support of his case but he was examined straight away by his authorised representative and allowed to be cross examined by the authorised representative for the management. On the other hand—in support of its case, the management filed the affidavit of Shri Gopi Nath Bajpai, who is posted as Head Clerk in the office of D.R.M. Northern Railway, Lucknow. In para 2 of his affidavit it has been admitted by the management witness Shri G. N. Bajpai that he has been working since 26-2-71 against day to day casualties rather short term vacancies.

13. In his cross-examination Shri Ram Khilawan has deposed that in the beginning he was recruited as casual labour

and had worked for 2267 days as per photostat copy of the statement annexed to his claim statement. He was made to sit w.e.f. 16-11-85, but after 2-3 months he was again taken on duty at Jaguar Railway Station. According to him he has been working continuously since 30-4-87, as a porter against the permanent vacancy of Shri Jumman who retired on 30-4-87.

14. In his case the reference does not seem to have been properly framed inasmuch as there is no mention of date of termination of his services. For the first time it was in the claim statement which is even not signed by the workman himself it was stated that he had worked upto 13-11-84, whereafter, he was given short engagements upto 15-11-85. The question is as to what should be taken as the date of termination of his services in these circumstances. In the statement filed with the claim statement, said to have been verified by the Station Master Jaguar Station he is shown as having worked upto 15-11-85. If he has worked upto 15-11-85 and thereafter made to sit at once as has been even stated by him in his cross examination, he cannot be held to have worked for 240 days during the period of 8 months preceding the date of termination of his service. If it was so, the compliance of the provisions of section 25F of the I.D. Act would not arise. As stated above by me Shri Ram Khilawan himself has admitted in his cross examination that after 2-3 months (already taken from 16-11-85) he was again taken back on duty at the said railway station and that since 30-4-87 in the vacancy caused by one Shri Jumman on his retirement he has been working continuously. He has, therefore, no case of non-compliance with provision of section 25F of the I.D. Act nor has he any case that his services have been terminated.

15. There also does not appear any substance in his case that the management committed breach with the provisions of sections 25 G & H of the I.D. Act. In his cross examination, he has admitted that at Jaguar Railway Station there has been only one post of porter and in the said post Shri Jumman had been working from before his engagement in 1971. He has also admitted in his cross-examination that as and when Shri Jumman proceeded on leave he used to be engaged as a porter in his place. Another statement made by him voluntarily was that at the said railway station he also used to be engaged in place of Safaiwala whenever the safaiwala proceeded on leave. I, therefore fail to understand how the case has been taken up on his behalf that the management committed breach of the provisions of sections 25G and 25H of the I.D. Act. No other point has been raised on his behalf for determination.

16. From the above findings so far as he is concerned, there appears to be no valid industrial dispute existing between him and the management. The reference in his case is answered accordingly.

17. In the case of 15 workmen as stated by me above, the workmen simply examined Shri Ram Bhajan, who during his examination in chief tendered in evidence his two affidavits, one dt. 16-6-86 and the second dt. 20-10-86 with the list of leave reserved porters, who are stated to have been recruited in 1983. With regard to the list of leave reserved porters, Shri Ram Bhajan, has stated in his cross examination that the said list was delivered to him by the dealing clerk Shri Lal Chand. He admits that the list does not bears the signature of Shri Lal Chand. He even admits that there is nothing to show as to in whose name the list has been endorsed. Thus he has stated that in respect of some of the leave reserved porters the details of their fathers' are not given. He also admits that the list does not show as to when these leave reserved porters were recruited/appointed and how and in what circumstances their recruitment was made. In the circumstances, these 15 workmen cannot be said to have any case against these said leave reserved porters, who are said to have been recruited even after ban on recruitment. It could be that they also might have been pre 1-6-78 appointees whose services have been terminated illegally and thereafter re-engaged after realisation of the mistake by the management.

18. Shri Ram Bhajan has then in his statement in cross examination stated that during the pendency of this case leaving S/Shri Om Prakash Srivastava, Ram Sanchi, Underjeet, Jainath and Laxmi Prasad, the remaining 10 were called for screening test by the screening committee. But call letters were

issued only to 10 workmen and they were selected and since then i.e. 17-12-87 they are being paid wages alongwith permanent porters. Their results were declared on 17-12-87 he admitted that the photostat copy of the result filed by the Management with which he was confronted during the cross examination referred to the list of successful candidates in the screening test conducted by the screening committee. It means that out of the 15 workmen except the above named five workmen, the services of the remaining 10 workmen have been regularised by the management.

19. With regard to Shri Om Prakash, Shri Ram Sanehi, Inder Jeet, Jainath and Laxmi Prasad he has deposed in his cross examination that their names also appeared in the list displayed on the notice board of the office of the Suptd. D. R. M. Office, Lucknow, with the direction that all these named in the list should appear before the Screening Committee. He has denied that these five workmen were also issued call letters and that they appeared before the screening committee and were declared unsuccessful. According to him he learned from these five workmen that they have not been issued call letters. He has then said that these five workmen tried to make written representation before their screening but they were not entertained by the D.R.M., Northern Railway, Hazaratganj, Lucknow. According to him the representations of the 5 workmen were however received after (10 workmen) screening and of course before declaration of their (10 workmen) result. He has then deposed that the receipt of their representations was not acknowledged on the copies of these representations.

20. If Shri Ram Bhajan could read the notice on the NOTICE BOARD, it is difficult to believe that the above named five workmen who were also interested in the regularisation of their services would not have read it. It does not appeal to mind that if the Railway Administration could issue call letters to 10 workmen, it could not have issued the call letters to the remaining 5 workmen whose names also appeared in the list of names displayed on the NOTICE BOARD as has been admitted by Shri Ram Bhajan. It is important to note that none out of these 5 workmen has dared come in the witness box to say that he do not read the notice or he did not receive the call letter. About the procedure for regularisation of services there is no dispute between the two sides. The regularisation of services takes place when a casual labour comes out successful in the screening test.

21. Thus from the above discussion of evidence it becomes evident that out of these 15 workmen the services of 10 workmen have been regularised and the services of the remaining 5 workmen have not been regularised as yet. Hence, in respect of 10 workmen whose services have been regularised, the reference has become infructuous. The remaining 5 workmen are entitled to regularisation of their services only they pass the screening test.

22. In the circumstances of the case, the management is, however directed to give another change to these five workmen to appear before the screening committee for screening test when over such test is held by the screening committee next time.

23. The two references one made in respect of Shri Ram Khilawan and the other made in respect of 15 workmen are answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/35/85-D.II(B)]

का. आ. 3515.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधिशासी अभियन्ता, सी. पी. डब्ल्यू. डी., सिविल कंस्ट्रक्शन डिवाजन नं. II, नई दिल्ली के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-88 प्राप्त हुआ था।

S.O. 3515.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central

Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Executive Engineer Civil Construction Division III, C.P.W.D. New Delhi and their workmen, which was received by the Central Government on the 2nd November 1988.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 14/87

In the matter of dispute between

Shri Ramji Parshad,
C/o CPWD Mazdoor Union,
E-26 (Old Qtrs), Raja Bazar,
Baba Khark Singh Marg,
New Delhi.

Versus

Executive Engineer,
Civil Construction Dn-III,
CPWD, Pushpa Bhavan,
Madangir, New Delhi.

APPEARANCES :

Shri H.S. Vats—for the workman.
Shri Narinder Chaudhary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/82/85-D.II(B) dated 12th February, 1987 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the demand of the workman, Shri Ramji Prasad, a Casual worker for reinstatement with back wages and continuity of service against the management of Executive Engineer, Civil Construction Division III, CPWD, Pushpa Bhawan, Madangir, New Delhi, is justified? If so, to what relief he is entitled to?"

2. The case of the workman as per his statement of claim is that he was initially engaged on muster roll w.e.f. 3-4-80 and his services were illegally terminated on 6-12-80 in violation of the provisions of sections 5-F and 25-G of the I.D. Act (hereinafter referred to as the Act). He was re-employed on 5th June 1981 and again terminated on 20th July 1981. The management again wrongfully gave illegal breaks in his service from 20-7-81 to 31st October 1981, 11th May 1982 to 10th June 1982, 11th November, 1982 to 10th January 1983, 22nd September 1984 to 4th December 1984 and ultimately his services were terminated w.e.f. 5-4-85. The Management always retained junior persons on the muster roll when his services were terminated or he was given illegal breaks in services. No notice was served upon the workman nor any charge sheet nor any enquiry held against him. No wages in lieu of notice nor any re-junior to him were retained in service. Hence trenchment compensation was paid to him. Persons there was violation of provisions of section 25F and G of the Act. It has further been alleged that he was

victimised as he was an active member of the CPWD Mazdoor Union and the actions of the management amount to unfair labour practices. Hence the workman has sought his reinstatement with continuity of service and with full back wages.

3. The Management in its written statement admitted that the workman was initially appointed on 3rd April 1980 but denied that he had completed 240 days of service or that there was any violation of the provisions of the Act. It was further stated that the workman was again employed on muster roll w.e.f. 5-6-81 and this action, cannot be termed as re-employment. He was removed from muster roll due to his disobedience and misbehaviour. He was again employed w.e.f. 20-10-81 to 10-5-82 and also w.e.f. 11th June 1982. His termination as alleged w.e.f. 5-4-85 is not based on any facts and he was only made surplus and the coordination Admn. circle of CPWD was requested to post him in some other Division and hence the action of the management cannot be said to be termination. The Secretary-CPWD Mazdoor Union was directed to collect one month's pay in lieu of notice vide letter dated 18-4-85 and therefore no provisions of the Act had been violated. It was further explained that initially the workman was posted in Sub-Division V but due to his disobedience and misbehaviour his services were terminated but on intervention of the Senior Labour Officer and assurance of good behaviour he was again taken on muster roll. However, the workman did not mend his ways and continued his misbehaviour and insubordination. On complaints received from Sub-Divisional Officers, the workman was posted in Sub-Division No. IV to give him a chance to improve his ways but even in a Division No. IV became rebellious and refused to carry out the orders of his superiors and he was warned verbally and transferred to P.T. E.S. Works site at Badarpur w.e.f. 27-8-1984. Even at that site, instead of improving the workman quarrelled and misbehaved with A. K. Jain Junior Engineer, Incharge. For this action, he was served with show cause notice asking him to explain as to why his services should not be terminated. The explanation submitted by the workman was not found satisfactory and he was discharged from the muster roll and he was asked to collect the sum of Rs. 612/- being the amount of compensation for the period he worked in Division No. IV and in lieu of notice of termination. This action was taken to maintain the decorum and discipline in the office as it was found that his re-employment in Government Service would be detrimental to the working of the office. Thus complete opportunity at every stage was given to the workman before action was taken against him by the Department. Thereafter CPWD Mazdoor Union made request for giving one more chance to the workman and the workman had given a written undertaking, analogising for the past actions. On account of the firm assurance given by the Union the workman was again taken on muster roll and was posted in Division No. I. However, the workman did not stick to his assurance and started misbehaving and there were regular complaints against him from different engineers. After the efforts of the Sub-Divisional Officer failed to improve the behaviour of the workman, he expressed that the workman be declared surplus and posted elsewhere. It was further submitted that it will be extremely unfair to take away the likelihood of another muster roll labourer even if he is junior to Shri Ramji Pershad workman, just for

the reasons of misbehaviour of the senior employee of the Management felt that by such an action the department will not be doing natural justice and fair play to these junior persons who also had fairly long period of service in the department. The allegation of victimisation on account of trade union activities was denied and it was submitted that the Management had no information regarding the affiliation of the workman with any Union till the time of termination of his service.

4. The written statement filed by the Management virtually admits all the allegations of the workman. It is admitted that persons junior to the workman were retained in service. It is also admitted that it was not a case of termination simpliciter but services of the workman were terminated as a punishment for the various alleged acts of misconduct on his part. The Management has gone to the extent of admitting that it has indulged in the unfair labour practice of declaring the workman as surplus whereas there was no occasion for retrenchment and this was done only as a measure of punishment for his alleged misconduct. If there was any misconduct on the part of the workman, the proper course for the Management was to serve a charge sheet on him and held a proper domestic enquiry but no such thing was done and the action of the Management is clearly not in good faith but in the colourable exercise of its rights. The Management has further pleaded that it intimated to the Secretary of the Union vide letter dated 18-4-85 that it may collect one month's pay in lieu of one month notice on any working day. This did not amount to a proper compliance with the provisions of Section 25-F of this Act because the retrenchment compensation and the wages in lieu of notice have to be paid at the time of termination of service which took place on 5-4-1985. The Management is, therefore, held to be guilty of indulging in unfair labour practices and violating the provisions of section 25-F and 25-G of the Act.

5. In view of the discussion made above, this reference is answered in favour of the workman and it is directed that he shall be reinstated with continuity of service and with full back wages.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end. 26th October, 1988.

G. S. KALRA, Presiding Officer

[No. L-42012/82/85-D.II(B)]

HARI SINGH, Desk Officer

नई दिल्ली, 7 नवम्बर, 1988

का. अ. 3516.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्डज लिमि. की बोन्जेमेहारी कोलियरी के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के तत्पद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-88 को प्राप्त हुआ था।

New Delhi, the 7th November, 1988

S.O. 3516.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bonjemehari Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 53 of 1983

PARTIES :

Employers in relation to the management of Bonjemehari Colliery, Post Office Salanpur. Distt. Burdwan.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers : Mr. B. N. Lala, Advocate.

On behalf of Workmen : None.

State : West Bengal.

Industry : Coal

AWARD

By Order No. L-19012(34)/83-D. IV(B), dated 28th September, 1983, the Government of India, Ministry of Labour & Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bonjemehari Colliery P. O. Salanpur, Distt. Burdwan not to regularise Shri Makaram as Tipping Truck Driver in Category V w.e.f. 13-2-1981 is justified ? If not, to what relief the workman concerned is entitled ?"

2. When the case is called out today, Shri B. N. Lala, Advocate appears for the management and files a Joint Petition of Compromise duly signed by both parties, and prays for an Award in terms of Joint Petition of Compromise. Considered the Joint Petition of Compromise and also the submission of Mr. Lala. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an 'Award' in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure-'A'.

This is my Award.

Dated : Calcutta,

The 5th October, 1988.

SUKUMAR CHAKRAVARTY, Presiding Officer.

[No. L-19012(34)/83]D. IV (B)]

ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 53 of 1983

PARTIES :

Employers in relation to the Management of Bonjemehari Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workmen.

Joint Petition of Compromise.

The humble petition of both the Parties here-in-concerned most respectfully sheweth :

1. That the above matter is fixed for hearing on 5-10-1988.
2. That both the Parties submitted their written statements before the Hon'ble Tribunal and the instant matter is pending before the Hon'ble Tribunal.
3. That in the meantime the Parties concerned herein mutually discussed the instant matter and have come to an amicable settlement of the instant matter on the following terms :

TERMS OF SETTLEMENT

- (i) That in view of the fact that the workman here-in-concerned was already regularised as T/T Driver in Cat. V with effect from 1-11-1984. The workman has no longer any dispute in the instant matter and any matter arising out of this order of reference.
- (ii) That the Management agrees to pay a sum of Rs. 800/- (Rupees eight hundred) only towards cost incurred by the workman in conducting the case before the Hon'ble Tribunal. This payment will be made within one month from the date, this settlement is accepted by the Hon'ble Tribunal.
- (iii) That there shall be no further claim of any nature by the workman and his Union in respect of any matter arising out of instant order of reference.
- (iv) That by this Settlement the instant matter is fully settled.

4. That both the Parties pray that the Hon'ble Tribunal would accept this settlement as fair and proper and may be further pleased to pass an Award in terms of this settlement.

And for this act of kindness both the parties as in duty bound shall ever pray.

The 26th day of September, 1988.

BONJEMIHARI (R) COLLIERY.

For and on Behalf of the Employers.

C.M.E.U. General Secretary.

For & on Behalf of the Workman.

नई दिल्ली, 8 नवम्बर, 1988

का. भा. 3517.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सिंगूरानी कोलियरीज कम्पनी लि. कोयामुदम (आंध्र प्रदेश) के प्रबन्धन के सम्बन्ध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-88 को प्राप्त हुआ था।

New Delhi, the 8th November, 1988

S.O. 3517.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Kothagudem and their workmen, which was received by the Central Government on the 1st October, 1988.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri D. J. Jagannadha Raju, B.A., B.L., Presiding Officer.

Dated : 4th October, 1988

Industrial Dispute No. 39 of 1987

BETWEEN

The Workmen of Singareni Collieries Co. Ltd., Kothagudem.

AND

The Management of Singareni Collieries Co. Ltd., Kothagudem.

APPEARANCES :

Sarvasri A. K. Jayaprakash Rao, P. Damodhar Reddy, Ch. Lakshminarayana and V. N. Goud, Advocates for the Workmen.

Sri K. Srinivasa Murthy, Miss G. Sudha and Miss V. Usha Rani, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21011/6/86-D.III(B)/D.III. A dated 23-7-1987 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, and their workmen to this Tribunal for adjudication :

- "1. Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., in denying Stagnation increments to workmen who have completed ten years in the same category/grade is justified? If not, what relief the workmen are entitled to?
2. Whether the action of the above management in denying Category IV Wages to daily rated Coal fillers who have completed ten years service is justified? If not, to what relief are the workmen entitled?"

This reference was registered as Industrial Dispute No. 39 of 1987 and notices were issued to both the parties.

2. In this Industrial Dispute though the workmen were served with notice and though they engaged an Advocate they did not file the claim statement inspite

of seven adjournments being granted, then the Management was directed to file such counter as they deemed fit and proper in this case. The Management first filed a Memo on 5-2-1988 requesting the Tribunal to terminate the reference. After hearing arguments of the Management Advocate, the Tribunal passed an order to the effect that the proper thing as per law is for the Management to file a counter to justify its action. Accordingly the Memo was ignored and time was granted to the Management for filing the counter. The Management insisted that before they file the counter, the workers should be set exparte as they failed to file their claims statement and as they did not care to file the claims statement inspite of numerous adjournments being given and though they had an Advocate on record. On 4-4-1988 the workers were set exparte and then the Management filed its counter.

3. After the Management filed the counter and after the Management evidence was also recorded. When the matter stood posted for arguments to 3-6-1988 Sri A. K. Jayaprakash Rao Advocate for the Workers who held vakalat for the workers represented that he will take steps to get the exparte order set aside. Then an opportunity was given to him to file a petition and M.P. No. 84/88 was filed. It was heavily contested and very elaborate order was passed by the Tribunal on 5-8-1988 M.P. No. 84/88 was dismissed passing some strictures on the conduct and attitude adopted by the Workmen. Then arguments were advanced for the management and matter was reserved for passing an Award. The matter is now being decided exparte.

4. As can be seen from the reference, there are two questions involved. The first question referred relates to denial of stagnation increments to workmen who have completed ten years in the same category or grade. The second question relates to denial of Category IV wages to daily rated coal fillers who have completed ten years service. As can be seen from the reference, the first question relates to regular permanent employees who are time rated workers. The second question relates to piece rated workers.

5. As no claim statement is filed, we have to take it that the order of reference is the basis of the claim of the workers. The elaborate counter filed on behalf of the Management briefly runs thus. The Management brings to the notice of the Tribunal that inspite of several adjournments given, the Petitioner has not chosen to file the claim statement. It is deemed that the petitioner does not have any reasonable ground to put forth before this Tribunal. The Singareni Collieries Workers Union put forth demands seeking promotional avenues for each and every category and cadre on the basis that several workers remained stagnant in the same category or grade for over ten years. It also made various other demands vide their strike notice dt. 1st September, 1982. To satisfy the demand that workers who are stagnating in the same category or grade without promotion for long should be granted some relief. A Memorandum of Settlement dated 8th October, 1982 was arrived at with the Union. It is a settlement under Section 12(3). Under this Settlement workers who remained in the same category or grade for over ten years

as on 1-10-1982 will be paid one extra increment in the category or grade w.e.f. 1-10-1982. It was also made clear in the Settlement that the future policy with regard to stagnation will be in accordance with the National Coal Wage Agreement. As per the terms of the above settlement workers who have stagnated in the same category or grade for over ten years as on 1-10-1982 were paid one extra increment w.e.f. 1-10-1982. This was done in full and final settlement of the demands. This benefit of extra increment was also given as a special case to coal cutters, Timbermen, Trammers, Conveyor Khalasis, Hauler Khalasis, Watchman and Special Grade Clerks whose category or grades were revised under Sri Kagnunath Reddy's Award w.e.f. 15th August, 1973. This was given by relaxing the period of ten years service by a few months. Subsequently under N.C.W.A. III the principle was evolved regarding the question of promotion policy and long stagnation in the same category or grade. Under Clause 4.2 N.C.W.A. III implementation Instruction No. 21 reads as follows:—"Since no agreed formula has been found to remove the stagnation, workmen who have stagnated in the same grade/category as on 1-1-1983 for more than 10 years or more shall be entitled to one additional increment from 1-1-1983 in terms of Clause 2.4 of Notes of conclusion of NCWA-III". In the light of the above decision one extra increment was already allowed for such of those employees who have completed ten years in the same category or grade as on 1-10-1982. The Memorandum of Settlement was fully implemented. Under the Memorandum of Settlement one additional increment was given to those employees who were not given increment earlier. This benefit given under the J.B.C.C. I and the N.C.W.A. III is a one time benefit. It is based on recommendation of N.C.W.A. III and Notes of conclusion of J.B.C.C. I. If the workers have any grievance they can raise an issue before the J.B.C.C.I(IV). This issue of stagnation of increment relates to entire Coal Industry in the country. From what has been stated above, it is quite clear that the allegation about the Management not having any uniform policy regarding granting stagnation increment is false. The demand raised by the Union is not based on facts and there is no justification for raising this in the strike notice dated 1-11-1985.

6. Coal Fillers are piece rated employees and this is so from the time of the Mazumdar Award. The piece rates have been revised from time to time under various N.C.W.A. Agreements. The Fillers are at present governed by the piece rate prescribed in N.C.W.A. III. The demand of the Union that Coal Fillers who are having ten years of service may be placed in Daily rated works equal to IV category is arbitrary and unjust. If at all there is any demand the proper forum for the Union is to place it before the J.B.C.C.I. Raising a dispute before the Industrial Tribunal is not proper.

7. However it is submitted that Coal Fillers are generally considered for absorption as Coal Cutters, Timbermen, Trammers etc. depending upon their suitability and availability of vacancies. It is neither reasonable nor possible to place the piece rated employees in Time rated jobs unless there are vacancies. Under N.C.W.A. III Fillers have been sanctioned

special piece rate allowance of 70 paise per day for every completed year of service. This is in effect comparable to the annual increments. IVth J.B.C.C. I has already been constituted for taking up the revision of the wage structure and other connected matters of the workmen. The Management of S.C. Co. Ltd., cannot take any unilateral decision on policy matter which is applicable to the entire coal industry in the country. The respondent Company has been running in loss for several years and it cannot bear any additional financial burden. The Union cannot make any demand which increases the financial burden. As the Union failed to file claim statement, the management is not in a position to file a detailed counter except filing this counter to give material facts. The Union is fully aware that there are no merits in their claim and that is the reason why it has not chosen to file any claim statement. The Tribunal may be pleased to order that there are no merits in the claims of the workers and that the action taken by the Management is justified and proper and dismiss the petition. The workmen are not entitled to any relief in this industrial dispute.

8. The two points for consideration in this industrial dispute are the two questions postulated in the schedule given in the reference.

9. On behalf of the Management M. W1 Personnel Manager was examined and he gave elaborate evidence about the history of the dispute and what has been done to meet the demands which are now raised in this industrial dispute. His evidence helps in explaining the progress of events and documents marked as Ex. M1 to M6. I shall first refer to the documentary evidence and then discuss the oral evidence to find out whether the action of the Management is justified or not? Ex. M1 is the copy of the strike notice issued by the Singareni Collieries Workers Union on 1st September, 1982. In this strike notice a statement of the case is given with various demands listed. After the strike notice was given, conciliation took place and Ex. M2 Memorandum of Settlement under Section 12(3) took place. Ex. M2 is dated 8-10-1982. The very first item mentioned in this Memorandum of Settlement runs thus: "To satisfy the demand that workers who stagnated in the same category/grade without promotion for long should be allowed some relief, it has been agreed as a special case that workers who remained in the same category/grade for over ten years as on 1-10-1982 will be paid one extra increment in the category/grade w.e.f. 1-10-1982. The future policy with regard to stagnation will be in accordance with National Coal Wage Agreement."

10. This clearly indicates that in settlement of the first claim raised in this industrial dispute a solution was arrived at as early as 8-10-1982 under Ex. M2 and it was clearly agreed that as a special case one extra increment in the category or grade would be given w.e.f. 1-10-1982. As can be seen from the end portion of Ex. M2 it is quite clear that this Settlement is in full and final settlement of all the demands incorporated in the strike notice dated 1-9-1982 and 24-9-1982. The Union agreed to withdraw the proposed strike and assured to make up the loss on account of strike to reach the target fixed. Ex. M3

Circular dated 12-10-1982 clearly indicates that this particular solution arrived at in the Memorandum of Settlement under Ex. M2 was implemented. Ex. M3 further shows that this benefit of extra increment will also be admissible as a special case to Coal Cutters, Timbermen, Trammers, Hauler Khalasi, Conveyor Khalasi, Watchman and Special Grade Clerk whose categories or grades were revised. If Sri Raghunath Reddy's award w.e.f. 15-8-1973 is taken in account these categories would not be completing 10 years by the crucial date 1-10-1982. It is specifically made clear that this relaxation has been made in respect of the above categories as they fall short of the required period by a few months. There is no doubt about the facts that Ex. M2 solution arrived at was implemented. Ex. M4 is the Notes of conclusions of the third J.B.C.C.I for the Coal Industry. A reading of this document clearly indicates that J.B.C.C.I dealt with this matter of stagnation increment for workers exhaustively and it was agreed that the questions should be considered for all workers including piece rated workers who have not got promotion in their service career and which continued to remain in the same category or grade for along period. Under paragraph 2.2 promotion policy Committee was asked to examine the issue referred to in paragraph 2.1 and submit a report by 28-2-1984. Under paragraph 2.3 the Committee was directed to complete the work expeditiously and at any rate not later than three months and its recommendation will be implemented with retrospective effect from 1-1-1983. Under paragraph 2.4 it was specifically provided that in case the promotion policy Committee is not able to reach the uniform conclusions within a stipulated period than the benefit extended by the S. C. Company Limited to such employees by paying one extra increment in the category/grade will be implemented w.e.f. 1-1-1983 in other Companies also. If they stagnated for more than ten years in the same category/grade. Ex. M5 which is National Coal Wage Agreement III implementation Instruction 21 extracts the Notes of conclusion to N.C.W.A. III as finalised by the J.B.C.C.I on 11-11-1983 and which came into force with retrospective effect from 1-1-1983. Paragraph 3 in this clearly indicates that the Promotion Policy Committee could not arrive at an agreed formula and hence a decision was taken as follows:—"4.2 since no agreed formula has been found to remove the stagnation workmen who have been stagnating in the same scale/grade/category as on 1-1-1983 for more than ten years or more shall be entitled to one additional increment from 1-1-1983 in terms of clause 2.4 of the Notes of conclusion". Item No. 4 clearly indicates that this extra increment shall be paid w.e.f. 1-1-1983. Proposal for sanction of extra increments were directed to be prepared in a particular proforma. As can be seen from para 6 grant of this extra increment is without prejudice to normal increments which may fall due in normal course on their respective dates. Ex. M6 is the Circular issued by S. C. Company Limited on 26-7-1984 for implementing the decision in Ex. M2 Memorandum of Settlement dated 8-10-1982.

11. A perusal of the documentary evidence clearly indicates that the question of stagnation was considered by the third J.B.C.C.I and solution was found

and implemented. That solution is nothing more than what was arrived at by the Singareni Collieries under Ex. M2 and which was implemented with retrospective effect from 1-10-1982. In fact even for certain categories which were governed by Sri Raghunath Reddy's Award dated 15-8-1973 though they have not completed ten years of service by 1-10-1982 by way of relaxation this benefit was given as evidenced by Ex. M3. Ex. M5 also shows that the J.B.C.C.I gave instructions for implementation of the same decision. Thus it can safely be said that the S. C. Company Limited has not denied stagnation increment to workmen who have completed ten years in the same category or grade. The question has been dealt with earlier and the extra increment was given with retrospective from 1-10-1982. The first claim in this industrial dispute is unjustified. It should also be remembered that this exercise of granting stagnation increment is a one time exercise.

12. In this context I may also point out that the proper forum for dealing with this particular question of stagnation increment is the J.B.C.C.I and not Industrial Tribunal. It is for the Union to raise the dispute once again when IVth J.B.C.C.I takes up the matter.

13. As regards the second demand which relates to Coal Fillers who are piece rated workers, we find that the J.B.C.C.I has clearly taken cognisance of the claims of the piece rated workers also as can be seen from paragraph 2.1 of the Notes of conclusion Ex. M4. For this dispute also the appropriate forum would be J.B.C.C.I. It is but proper that the Union should raise this dispute before the IVth J.B.C.C.I. In this context we may also refer to evidence given by M. W1. It should be remembered that under N.C.W.A. a clear distinction is maintained between time rated workers and piece rated workers. While time rated workers get annual increments, piece rated workers get revised wages and N.C.W.A. III for the first time allowed special piece rate allowance of 70 paise per day for every year of continuous service for Coal Fillers. This is analogous to granting of annual increments for time rated workers. M. W1 categorically stated that N.C.W.A. III has not recommended for giving Category IV to Coal Fillers who have put in ten years service as Coal Fillers but they were granted this allowance of 70 paise per day for every year of continuous service. The witness further added that whenever there are vacancies for posts of Coal Cutters, Timberman and Trammers the claims of Coal Fillers are also considered for absorption, if they are willing and subject to their suitability. As can be seen from the nature of the demand raised regarding the Coal Fillers, it is quite clear that this is also a matter which has necessarily to be dealt with by J.B.C.C.I and J.B.C.C.I is the proper forum.

14. Considering the entire material on record and the oral evidence of M. W1 I am fully convinced that the two demands which were raised by the Union in this industrial dispute are matters which are primarily the concern of the J.B.C.C.I and N.C.W.A. The Industrial Tribunal is not the proper forum to deal with these two matters.

15. I am fully convinced that the Management of Singareni Collieries Company Limited has not denied stagnation increment to workmen who have completed ten years in the same category or grade, the action taken by the Management is perfectly justified. I am also convinced that with regard to Coal Fillers, the N.C.W.A.III has done justice to them by granting them a special allowance of 70 paise per day for each completed year of service. The Management has not denied any thing. In my considered opinion the reference of this dispute to the Industrial Tribunal is misconceived. The proper forum is J.B.C.C.I and the National Coal Wage Agreement.

16. In the result, I answer the reference as follows. The action of the Management is justified regarding both the demands mentioned in the reference.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 4th day of October, 1988.

Sd/-
Presiding Officer

Appendix of Evidence

Witnesses Examined
for Workmen :

NIL

Documents marked for the Workmen :

NIL

Documents marked for the Management :

Ex. M1 Photostat copy of the strike notice dated 1-9-82 issued by the Singareni Collieries Workers Union to the Chief Executive Director, S. C. Company Limited, Kothagudem.

Ex. M2 Photostat copy of the Memo of Settlement dated 8-10-82 under Section 12(3) of I.D. Act between the Management of S. C. Company Limited and their workmen representative by Singareni Collieries Workers Union.

Ex. M3 Circular dated 12-10-1982 with regard to extra increment for the stagnation in the same category/grade issued by Chief Executive Director, S. C. Company Ltd., Kothagudem Colliery to all Pits and Departments and all Collieries.

Ex. M4 Photostat copy of the Joint Binartite Committee for Coal Industry and Notes of conclusions.

Ex. M5 Photostat copy of the National Coal Wage Agreement-III implementation Instruction No. 21 dated 9-4-1984 issued A. V. Brahma Member Secretary, III, J.B.C.C.I.

Ex. M6 Photostat copy of the Circular dt. 26-7-1984 with regard to extra increment for the

stagnation in the same category/grade issued by the Management.

Sd/-

D. J. JAGANNADHA RAJU, Presiding Officer

[No. L-21011/6/86-D.III(B)|D.III(A)]

नई दिल्ली, 17 नवंबर, 1988

क्र. आ. 3518.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लि. की डामरा कोलियरी घुसिक सब एरिया के प्रबंधन के संबंध निवोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-88 को प्राप्त हुआ था।

New Delhi, the 17th November, 1988

S.O. 3518.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Damra Colliery Ghusick sub Area of M/s. Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 3-11-1988.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 26 of 1978

PARTIES :

Employers in relation to the management of Damra Colliery under Shusick Sub-Area of Eastern Coalfields Limited

AND

Their workmen.

APPEARANCES :

On behalf of Employers : Mr. T.K. Basu, Counsel with Mr. M.N. Kar, Advocate.

On behalf of workman : Mr. D. L. Sengupta, Senior Advocate with Mr. N. S. Dutta, Advocate.

STATE : West Bengal, INDUSTRY : Coal,

AWARD

By Order No. L-19012(46)/77-B-IV(D) dated 6th March, 1978, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Damra Colliery, Ghusick Sub-Area of Eastern Coalfields Limited in dismissing Surva-Shri B. D. Chatterjee, Head Clerk, R.C. Mishra, Audit Clerk, N. Mishra, General Clerk, Manick Bakshi, Pit Munshi and S.C. Gandhi, Time-Keeper is justified? If not, to what relief are the concerned workmen entitled?"

2. The case of the Union sponsoring the cause of the 5 workmen namely, B.D. Chatterjee (since deceased), R. C. Mishra, N. Mishra, Manick Bakshi and S.C. Gandhi (since deceased) is as follows: On 24-6-1974, B. D. Chatterjee, R. C. Mishra, N. Mishra and Mallick Baksh were charge-sheeted by the charge dated 24-6-1974. The workmen concerned denied the charges levelled against them. The domestic enquiry was held by Shri R. N. Ganguly, who held that the charges were vague and not specific and recommended for **issue of specific charges** giving full details of the irregularities and offences committed by each of them. The employer then issued the second charge dated 25-9-1974 against the aforesaid four workmen and charge-sheeted S.C. Gandhi by the charge dated 25-9-1974. In the charge dated 25-9-1974 which was issued against the workmen concerned, the report dated 8-6-1974 by the preliminary enquiry committee consisting of Second Officer (Accounts), Shri G.C. Mahapatra and two other officers and the report dated 13-9-74 of the audit team set up for the purpose of investigation of the accounts were referred to and it was mentioned is the charge dated 25-9-1974 that all the workmen concerned committed mis-appropriation and defalcation for the amount to the extent of Rs. 10,107 by committing theft, fraud and dishonesty from the employer's cash at Damra Colliery in addition to Rs. 4,396.63 which was said to have been detected by the preliminary enquiry committee headed by Shri G.C. Mahapatra. The charge dated 25-9-1974 was also vague and not specific according to the workmen. On repeated demands by the workmen, the copy of the audit report was made available to the workmen and the workmen gave reply to the charges levelled against them.

3. The domestic enquiry was held by an Enquiry Committee consisting of Shri A. K. Banerjee, A.C. P.O., Area No. 2 and Shri A.K. Mitra, Finance Manager, Area No. 2. No reasonable opportunity was given to the workmen to defend themselves. The enquiry was conducted in disregard of the principle of natural justice. Domestic Enquiry Committee while toeing the wishes of the employer found the workmen concerned guilty of the charges and submitted their report dated 30-8-1975 to the management. The employer by the pre-determination of the victimisation of the workmen concerned, dismissed them on 29-7-1976 without giving any opportunity to the workmen concerned to explain the Domestic Enquiry Committee report. The punishment imposed upon the workmen concerned was excessive and disproportionate and accordingly it was not sustainable. It was also alleged that the present management had no jurisdiction to start disciplinary proceeding against the workmen concerned and to punish them for the past misconduct of the workmen

concerned, if any alleged to have been committed against the Coal Mines Authority Limited which subsequently charged to Coal India Limited. After the dismissal of the workmen concerned the Union took up their cause and the negotiation with the employer for their re-instatement ended in failure. The Union then approached the Conciliation Officer and the failure report of the Conciliation Officer resulted in the present reference. The Union has prayed for the re-instatement of all the workmen, excepting B. D. Chatterjee, who retired in the mean time. Mention may be made here that B. D. Chatterjee and S. C. Gandhi died during the pendency of the reference and the Union has not agitated the case of B. D. Chatterjee (deceased) at the time of the hearing of the reference.

4. The case of the employer in brief is as follows: The employer has denied the Union's allegation that the employer had no jurisdiction to initiate disciplinary proceeding against the workmen concerned and to punish them. It has been admitted by the employer that the first charge-sheets were issued to B. D. Chatterjee, R. C. Mishra, N. Mishra and Manick Bakshi and the enquiry officer who held the domestic enquiry in respect of the said charges held that the charges were vague and not specific and recommended the issue of further charge sheets. It has been also admitted by the employer that subsequently the aforesaid four workmen were charged with two charges as alleged and that the workman S. C. Gandhi was charged with only charge dated 25-9-1974. It was contended further that the report of the committee headed by G. C. Mahapatra and the report of the audit team were made part of the charges and the workmen concerned were charge-sheeted after being satisfied prima facie about their involvement in the commission of irregularities and mis-appropriation/defalcation of the amounts in question. It was further contended that the Domestic Enquiry Committee consisting of two officers held enquiry following the principle of natural justice and giving all opportunity to the workmen for their defence. It was denied that the domestic enquiry committee while holding the enquiry to the wishes of the employer. According to the employer, the domestic enquiry committee by holding the valid enquiry found the delinquents concerned guilty of the charges levelled against them and accordingly submitted their report to the employer. The employer on consideration of the report of the Domestic Enquiry Committee with reference to all connected papers of the enquiry agreed to the finding of the Domestic Enquiry Committee and in consideration of the past records of service of the delinquents concerned and the gravity of the offence committed by each of them dismissed each of the delinquents concerned from the service on 29th July, 1976. According to the employer, the workmen concerned are not entitled to any relief claimed.

5. Before I go into the discussion on the merit of the case under section 11A of the Industrial Disputes Act, 1947 which admittedly governs the present reference, I feel inclined to keep on record some specific findings to remove the doubt, if there be any in connection with the preliminary issue regarding the

validity or otherwise of the domestic enquiry which is a sine-qua-none in the cases governed by the section 11A of the Industrial Disputes Act, 1947 in respect of the dismissal of the workman on a domestic enquiry at the instance of the employer. After my joining as a Presiding Officer, by my Order dated 5th May, 1988 I fixed the case on 21-7-1988 for hearing on merit under section 11A of the Industrial Disputes Act, 1947, on submission by the learned advocates on both sides that the preliminary issue has already been decided and on perusal of the penultimate portion of the Order dated 17-11-1983 of Mr. Justice M. P. Singh, the then Presiding Officer to the effect "Parties are now directed to argue under section 11A on merit....."

6. After the argument in this case has been over I have gone through in detail the aforesaid Order dated 17-11-1983 of Mr. Justice M. P. Singh, the then Presiding Officer and I quote here some relevant portions of the said Order which will speak for themselves : "Parties were heard on the point as to whether the preliminary objection raised by the union to the effect that the domestic enquiry was vitiated by non observance of Natural Justice can be allowed to be argued at this stage. It appears that the union had earlier raised a preliminary objection regarding vagueness of the charge and both parties had adduced evidence on the preliminary objection. That preliminary objection was heard by Mr. Justice S. K. Mukherjee, the then Presiding Officer of this Tribunal on two days, i.e. on 2 November 1979 and 16 November 1979. The order was passed on 15 December 1979. It was held that there was no vagueness in the charge and that the reference would be heard on merits. From the order sheet (dated 4-3-81) it seems that again some evidence was adduced on some preliminary point. It is not clear what happened to that. On 20 May 1983 Sri A. K. Lal Gupta, Advocate appearing for the union submitted that in respect of three workmen, namely, Manik Chand Boxi, B. D. Chatterjee (dead) and N. C. Mishra he will proceed on the assumption that the domestic enquiry was not vitiated and was proper. He however contended that the domestic enquiry in respect of R. C. Mishra was not proper and was vitiated because he was not given reasonable opportunity to defend himself. Shri S. C. Gandhi appeared in person. He also contended that he was not given reasonable opportunity to defend himself and hence the domestic enquiry was invalid and illegal. A question arose as to whether the point regarding violation of natural justice can be raised when a preliminary objection regarding vagueness of charge had already been taken, heard and decided as long back as December 1979. Parties were heard on this point.

The point which is now being raised was available to the workmen and it could well have been raised when the point relating to vagueness of the charge was raised. If it was then raised it would certainly have been decided by Mr. Justice S. K. Mukherjee. It is well established that a point which could have been raised and is not raised will be barred by constructive res judicata and can not be agitated again. In this view of the matter it must be held that the point has no force.

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On merit of the point relating to natural justice Sri A. Chowdhury said that full opportunity had been given to the concerned workmen in the domestic enquiry and there was no violation of the principles of natural justice. On the other hand the workmen argued that document were not allowed to be filed and there were other irregularities which vitiated the domestic enquiry. In the view which I have expressed above I do not think it necessary to discuss the merit of the point. I hold that the point raised by the workmen in this case as regards the violation of natural justice in the domestic enquiry is barred by res judicata....."

7. With due regard to the observation as made by the then Presiding Officer, Mr. Justice M. P. Singh in the above quoted portion of the Order I like to mention that in a case governed by Section 11A of the Industrial Disputes Act, 1947, the duty is upon the Tribunal to decide as a preliminary issue whether the domestic enquiry resulting in the dismissal of the workmen concerned is valid or otherwise irrespective of the fact whether the parties raise any question regarding the validity or otherwise of the domestic enquiry. This is the settled principle of law.

8. It appears from the record that, the then Presiding Officer Mr. Justice S. K. Mukherjee passed the Order dated 15-12-1979 on some preliminary points after admitting some evidence and hearing the arguments on such preliminary points. The preliminary points which were considered by Mr. Justice S. K. Mukherjee, the then Presiding Officer will be found in the Order dated 15-12-1979. The said preliminary points are quoted here :—

- (i) Are the charge-sheets vague and on that ground invalid ?
- (ii) Do the Eastern Coalfields Limited have any power under the Standing Orders to take disciplinary proceedings in respect of an act of misconduct committed during the time the concerned workmen were in the employment of Coal Mines Authority Limited ?

It may be mentioned there that no preliminary point or issue as regards the validity or otherwise of the domestic enquiry was framed and decided. The then Presiding Officer Mr. Justice Mukherjee in the concluding portion of his Order dated 15-12-1979 has held with regard to the aforesaid two preliminary points as quoted below :

- "(i) The charge-sheets are not vague and therefore not invalid on that ground.
- (ii) Eastern Coalfields Limited have power under the Standing Orders to take disciplinary proceedings in respect of an act of misconduct committed during the time the concerned workmen were in the employment of the Coal Mines Authority Limited."

On perusal of the order dated 15-12-1979 of Mr. Justice S. K. Mukherjee, the then Presiding Officer, it appears that Mr. Justice Mukherjee did not at all consider whether the domestic enquiry had been vitiated by not following the natural justice as alleged by

the Union in their written statement and whether the said domestic enquiry was valid. Mr. Justice Mukherjee however, after answering the said preliminary points fixed the reference for hearing on merit. It appears from the file specially from the Order dated 4-6-1981 that Mr. Justice R. Bhattacharya, the successor in office of Mr. Justice S. K. Mukherjee, admitted some evidence both oral and documentary again on preliminary point without disclosing in the Order what was the said preliminary point. But from the evidence specially the oral evidence taken by Mr. Justice R. Bhattacharya it appears that the evidence was adduced on the preliminary point whether the domestic enquiry was valid by following the principle of natural justice. The hearing on the said preliminary point continued for months together. Mr. Justice Bhattacharya however left the office without hearing the argument on the preliminary point and his successor Mr. Justice M. P. Singh the then Presiding Officer, took over the charge and ultimately passed the Order dated 17-11-1983 as already stated without giving any finding as to the fact whether the domestic enquiry was valid. It is true that Mr. Justice M. P. Singh has given the reasons in his Order dated 17-11-1983 why he has refrained from giving such finding in his Order dated 17-11-1983.

9. I myself being the third successor in office to Mr. Justice M. P. Singh have no other alternative but to act in accordance with the Order dated 17-11-83 but I have already begun with my observation that I should keep in record the specific and clear finding of this Tribunal on the preliminary issue as to the validity or otherwise of the domestic enquiry for the purpose of removing any doubt in this respect as none of the concerned orders of the previous Presiding Officers specifically dealt with the same, before I go into the discussion on merit of the case under section 11A of the Industrial Disputes Act, 1947. I have gone through all the evidence already in record both oral and documentary so far as they relate to the preliminary issue as to the validity or otherwise of the domestic enquiry keeping in view the principle of natural justice which is the sine-quo-non in every domestic enquiry and I find that the principle of natural justice has been followed during the domestic enquiry and that the delinquents were given all possible opportunities for their defence and accordingly I hold that the domestic enquiry as held by the Domestic Enquiry Committee consisting by two officers of the employer, has been valid.

10. It is the settled principle of law that in every case of dismissal on the basis of domestic enquiry there has to be two hearings, i.e. whether the domestic enquiry is valid and proper which is the first hearing and if the enquiry is found to be valid and proper then there should be the second hearing as to the merit of the case for the purpose of establishing that the Tribunal is satisfied to maintain the finding of the Enquiry Officer on reappraisal of the evidence and that the punishment as imposed upon the delinquents is also proper and proportionate to the offence or irregularity committed.

11. It appears from the concerned orders of Mr. Justice S. K. Mukherjee and Mr. Justice M. P. Singh

that they completed the first hearing but without giving the specific finding regarding the validity or otherwise of the domestic enquiry. My discussion with the finding as mentioned above has removed the confusion, if any, with regard to the specific finding over the preliminary issue as to whether the domestic enquiry was valid or not.

12. I have already heard in detail the arguments of both sides with regard to the merit of the case under section 11A of the Industrial Disputes Act, 1947 and have already indicated the scope of Section 11A of the Industrial Disputes Act, 1947 so far as this second hearing with regard to the merit of the case is concerned. I shall discuss the merit of the case of the delinquents concerned one by one.

13. Mr. Sengupta appearing for the Union has drawn my attention to the principles of law as laid down in different decisions which may work as guidelines for disposal of the instant case. In the case of *Lasmi Devi Sugar Mills v. Nand Kishore Singh* reported in 1956(II) LLJ 439 it has been inter alia held by the Supreme Court "The charge-sheet which was furnished by the appellant to the respondent form the basis of the enquiry which was held by the General Manager and the appellant could not be allowed to justify its action on any other grounds than those mentioned in the charge sheet".

In the case of *Tara Mohan Chowdhury v. Union of India and Others* reported in 1982 (II) LLJ 318 it has been held inter alia by the Supreme Court that the charge-sheet framed by the disciplinary authority with a closed mind would be the ground for setting aside the dismissal of the delinquent based on such charge-sheet.

In the case of *Mahinder Singh v. State of Punjab* reported in AIR 1953 (S.C.) 415 it has been held inter alia by the Supreme Court that it is elementary that where the prosecution has a definite or positive case, it must prove the whole of that case.

In the case of *Mulchand and others v. State* reported in AIR 1955 (Bhopal) 9 it has been held that the prosecution must stand on its own strength and cannot seek support from the possible weakness of the defence.

14. Mr. Sengupta has drawn my attention to the aforesaid principles of law as enunciated in the cases, as mentioned above so that my dealing the instant case may be guided by the said principles of law. There is no dispute to the aforesaid established principles of law and it will be my best endeavour to keep in mind the said principles of law while dealing with the instant case.

15. Before I go into the discussion of the individual cases one by one I like to quote some important irregularities as mentioned in paragraph 2 of the audit report, Ext M-12 dated 13-9-1974 which has been made a part of the charge dated 25-9-1974 levelled against all the delinquents, because according to the employer the said irregularities more or less would concern all the delinquents and I may be relieved of repeating the said irregularities again and again while dealing with the case of the delinquents individually.

- (a) There are instances of leave without pay against which leave salary has been drawn.
- (b) Leave salary bills have been drawn against the period when the workers had attendance also.
- (c) Advances have been drawn against sanctioned leave in the names of the workers more than once.
- (d) In order to adjust such fictitious advances, fictitious leave salary bills of both earned and sick leave have been prepared and passed.
- (f) In a number of cases where the bills have been prepared for earned leave/sick leave no entry has been found in the Form—H Register for such leave sanctioned and availed.
- (g) Leave salary bills have been prepared in respect of the workers who are not entitled for such leave, having failed to put in required number of attendance for earning such leave. Large number of corrections, over-writing etc. have been found in the Leave Advance Register etc.
- (i) In a number of cases where the leave advance bills have been drawn and charged in the Cash Book for the total amounts of the bills, unpaid items have remained unaccounted for.
- (j) Bills have been prepared for omitted attendance and leave period without giving details of the periods of the omitted attendance and leave rendering it impossible to verify the correctness of the same.....

16. Let me now take up the case of Shri R. C. Mishra, Resident Audit Clerk first. The charge dated 24-6-1974 and the charge dated 25-9-1974 against this delinquent should be read together. The charge dated 25-9-1974 R. C. Mishra as referred to the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by Shri G. C. Mahapatra and also the report dated 13-9-1974 of the Audit Team, which appear to have been made part of the charge. The imputations made in the charges against the delinquent are briefly as follows : The delinquent who was the Resident Audit Clerk of Damra Colliery audited fictitious advance leave wage sheets and the Advance Leave Registers and signed the same as a testimony of their correctness to facilitate payment thereon and the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G. C. Mahapatra indicated that the amount of Rs. 4,396.63 had been defalcated/mis-appropriated by showing the fictitious payment thereby causing loss to the property of the employer and that the delinquent in league with workmen namely, B. D. Chatterjee (Head Clerk cum Cashier), N. Mishra (General Pay Clerk) and Manick Bakshi (Pit Munshi, working as Clerk) committed such irregularities and defalcation. Similarly the Audit Team's report dated 13-9-1974 indicated that the delinquent in league with the above three workmen and another workman S. C. Gandhi (Time Keeper) caused loss to the tune of Rs. 10,107/- of

the employer in addition to the amount of Rs. 4,396.63 as mentioned above by committing dishonest negligence, irregularities and misappropriation.

17. The delinquent gave reply to the charges denying his complicity and contending inter-alia that he had to work under odd circumstances and that he had no control over the state of affairs.

18. Before the Domestic Enquiry Committee the employee examined PW-1 B. Keshab, Additional Controller of Accounts who is the author of the Audit Teams report dated 13-9-1974, PW-2 G. C. Mahapatra who headed the Preliminary Enquiry Committee which had given the report dated 8-6-1974 and other two members of the said committee, namely, PW-3 M. Singh and PW-4 Y. R. Mondloi who only corroborated G. C. Mahapatra. The employer also examined PW-5 P. G. Gokhal who was the Manager of the Colliery concerned at the time of commission of the irregularities, PW-6 D. Gangopadhaya, Personnel and Welfare Officer and PW-7 M. R. Mukherjee, the then Manager of the Colliery.

18-A. The delinquent took part in the Domestic Enquiry, cross-examined some of the P.Ws. but did not give any defence evidence.

19. The evidence of PW-5 Shri Gokhal shows that as the Resident Audit Clerk it has been always the preliminary responsibility of R. C. Mishra to check all the wage sheets, and other bill before those were sent to the I.B.M. Section and again on their return from that section before actual payment was made. The suggestion of the delinquent to the said witness that he was required to check only 10 % to 15 % of the entries in the wage sheets and other bills was denied by the witness. The delinquent could not produce any office circular in support of his such suggestion.

20. PW-1 B. Keshab, the author of the Audit Team's report Ext. M-12 has stated in his evidence that during the course of examination of records, it was found that R. C. Mishra had passed for payment several Leave Advance Bills which have been found subsequently wrong and that he had failed in his duty as the Resident Audit Clerk in pointing out the irregularities in the bills and has facilitated the commission of the defalcation by his negligence. PW-1 has given some instances with reference to the Audit Team's report Ext. M-12 showing the omission and commission of the delinquent R. C. Mishra, the Resident Audit Clerk. It may be mentioned here that the Audit Team's report Ext. M-12 accounts for the irregularities of Rs. 10,107/- and not for Rs. 4,396.63 which is the subject matter of the Preliminary Enquiry Committee's report dated 8-6-1974 Ext. M-11. Annexure 'A' to the Audit Team's Report dated 13-9-1974 (Ext. M-12) deals with the cases of leave with pay allowed or leave wages paid to workers who were not entitled for any leave as per Leave Entitlement Register namely Form H and Form G. The Form H Leave Register was filed before the Domestic Enquiry Committee and it is part of the proceedings of the enquiry marked Ext. M-13 collectively before this Tribunal. The G Register has however not been produced.

21. The evidence of PW-1 B. Keshab with reference to the item No. 2 of Annexure—A of the Audit Team's report Ext. M-12 shows that as per H Register the workman Suleman Mia Leader (23835) was not entitled to any leave. Leave sanctioned on the leave application was without pay. However, leave salary bill for Rs. 291.72 was prepared for the leave period in January—1974 and advance of Rs. 268/- was adjusted. The leave itself being without pay the entire payment was irregular. The evidence of PW-1 shows that Shri R. C. Mishra signed the Leave Advance Bill as the Resident Audit Clerk and that he did not verify the leave application dated 16-1-1974 which was sanctioned without pay. According to PW-1, had the Audit Clerk exercised normal care in passing the bill he could have perhaps detected the irregularity in the bill and the irregular payment could have been stopped.

22. The evidence of PW-1 with reference to Item No. 3 of the Annexure—A of the Audit Team's report Ext. M-12 shows that an advance of Rs. 420/- has been billed in favour of Shri Ramjit Pandit, Dresser (55068) for the leave period from 15-4-1974 to 7-5-1974 and that the Resident Audit Clerk R. C. Mishra passed the bill without verifying the leave position of the workman either from the form H Register or from the sanctioned leave application. The Form H Register for the relevant year indicates that no leave was due to the workman concerned and the sanctioned leave application indicates that the leave had been sanctioned for the period without pay. The bill however was passed and payment on the bill was made.

23. The evidence of PW-1 with reference to Item No. 4 of Annexure—A of the Audit Team's report Ext. M-12 shows that an advance of Rs. 160/- was billed in favour of Lakhi Ram, Dresser (55090) during the week ending W/E 9-2-1974 and paid on R. C. Mishra's passing the bill as the Resident Audit Clerk without verifying the leave period against which the leave advance was proposed to be paid.

24. Annexure—B to the Audit Team's Report Ext. M-12 deals with the cases of double advance paid against leave salary and adjusted through false leave/sick leave salary bills. The evidence of PW-1 with reference to Item No. 11 of Annexure—B to the Audit Team's report shows as follows : Two bills for Rs. 98/- each as leave advance for the leave availed of by Hira Bhyia underground Mazdoor and Depot Worker (56016) for the period from 1-4-1974 to 11-4-1974 had been billed on 30-3-1974 and 11-5-1974 for the same leave period. Both the bills were signed by R. C. Mishra, Resident Audit Clerk. In both the bills reference to the same application form for the same leave period has been made. The second advance of Rs. 98/- does not appear to have been recovered.

25. The above mentioned evidence of PW-1, B. Keshab with reference to the annexure as mentioned above of the Audit Team's report Ext. M-12 has not been challenged by the delinquent in his cross-examination. The non-production of G Register upon which the Learned Advocate for the Union has made a comment does not demolish the fact already established by the other evidence both oral and documentary including the H Form Register. PW-1 Keshab has given the evidence by his personal audit, being

a member of the Audit Team. I find no reason why the evidence of PW-1, B. Keshab given with reference to the Audit Team's report should not be relied on, specially when his evidence showing the complicity of the Resident Audit Clerk, R. C. Mishra in the manner as indicated above has not been effectively challenged by the delinquent. PW-1's evidence with reference to the Audit Team's report Ext. M-12 establishes involvement of Resident Audit Clerk, R. C. Mishra with regard to some amount out of the total amount of Rs. 10,107 as detected in the Audit Team's report Ext. M-12. The delinquent in his cross-examination suggested that he had no sufficient time to check all the bills thereby implying that he had not checked all the bills. I have considered the delinquent's statement before the Domestic Enquiry Committee. The evidence already discussed has established the dishonest negligence of R. C. Mishra, Resident Audit Clerk in passing the bills for certain amounts out of Rs. 10,107/- as discussed above and offering the scope for defalcation of at least such certain amounts causing loss to the employer and thereby has proved the mis-conduct against Shri R. C. Mishra, the Resident Audit Clerk.

26. The evidence of PW-2, G. C. Mahapatra and his associate members PW-3 and PW-4 and their report dated 8-6-1974 Ext. M-11 could not satisfactorily establish the defalcation of Rs. 4,396.63 and R. C. Mishra involvement in the same by giving any cogent and specific evidence in this respect.

27. The question whether R. C. Mishra, Resident Audit Clerk was in league with the other charge-sheeted delinquents in the commission of the aforesaid irregularities will be considered at the end of my Award after discussing the individual involvement, if any, of the other delinquents concerned.

28. I am now taking up the case of N. Mishra, Assistant Time Keeper/Pay Clerk for discussion. The charge dated 24-6-1974 and the charge dated 25-9-1974 against this delinquent should be read together. The charge dated 25-9-1974, as referred to the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G. C. Mahapatra and also the report dated 13-9-1974 of the Audit Team under the signature of B. Keshab, which appear to have been made part of the charges. The imputations made in the charges against this delinquent are briefly as follows : The delinquent who worked as the Pay Clerk handed over the cash to Manick Bakshi for payment of advance leave wages to some workman and allowed Manick Bakshi to indulge in false payment. The delinquent committed also irregularities/malpractices in writing the leave advance register which contains several corrections and over-writings resulting in the misappropriation/defalcation of Rs. 10,107/- as detected by the Audit Team in addition to the defalcation of Rs. 4,396.63 as detected by the Preliminary Enquiry Committee headed by G. C. Mahapatra. The delinquent while committing such irregularities/malpractices dishonestly, acted in league with the other charge-sheeted delinquents.

29. The delinquent in his reply to the charges has denied the irregularities and malpractices alleged to have been dishonestly committed by him and has contended that he was reputed to work as Pay Clerk and that he worked as per the direction and advice of the Manager, Head Clerk and Audit Clerk in preparation of pay sheets and in payments. His further

contention is that the corrections and over-writings in the Leave Advance Registers were also made under their instructions. He has however admitted in his reply to the charge that he handed over a few sheets to Manick Bakshi without any malafide intention as he could not complete all the payment during the normal office working hours and as he had to cover a distance of 5 miles in between his house and office.

30. The employer examined PW-1, B. Keshab, PW-2 G. C. Mahapatra, PW-3 M. Singh, PW-4 Y. R. Mondloi, PW-5 P. G. Gokhel, PW-6 D. Gangopadhaya and PW-7 M. R. Mukherjee as in the case of R. C. Mishra. The delinquent made further statement and examined also PW-1 Ganga Mishra as his defence witness.

31. PW-1 B. Keshab in his evidence has stated that N. Mishra has been jointly preparing leave advance bills of piece rated workers and also made the payment on the same. The evidence of PW-1 with reference to Item No. 1 of Annexure—'A' to the Audit Team's report dated 13-9-1974 Ext. M-12 shows that N. Mishra prepared the leave advance bill in favour of Rohan Majhi, Loader (55427) even though his leave was sanctioned for 9 days without pay. Thus 9 days leave without pay has been billed, drawn and paid.

32. The evidence of PW-1 with reference to Item No. 3 of Annexure—'B' to the Audit Team's report Ext. M-12 shows as follows : The workman Salti Harijan, Loader (55382) applied for authorised leave but he did not avail of the same and the leave was cancelled as can be seen from the leave application No. 5034 dated 6-2-1974, Book No. 1. N. Mishra however prepared the leave advance bill for Rs. 190/- for that period in spite of cancellation of the leave. Even though the amount remained undischarged in the leave advance book, the credit for the same has not been taken in the cash book as mentioned in Annexure—'F' to the Audit Team's Report Ext. M-12.

33. Annexure—'F' to the Audit Team's report Ext. M-12 deals with the cases of undischarged leave advances not accounted for in the cash book. Annexure—'F' supports the evidence of PW-1 as discussed above.

34. PW-1's evidence with reference to Item No. 4 of Annexure—'B' to the Audit Team's report Ext. M-12 shows as follows : Two advances of Rs. 241/- each have been billed by N. Mishra during week ending W/E 9-2-1974 and 15-3-1974 against the same leave period from 11-2-1974 to 6-4-1974 of which 14 days leave was with pay and 7 days leave was without pay.

35. PW-1, B. Keshab, has further stated in his evidence that N. Mishra has committed the aforesaid irregularities and malpractices in collusion with other charge-sheeted delinquents, which resulted in the defalcation of certain amounts as discussed above out of the amount of Rs. 10,107/-.

36. It appears from the cross-examination of PW-1 by the delinquent that all the connected records of the aforesaid workman were shown to the delinquent on his demand for the same and the remarks of the Domestic Enquiry Committee in the cross-examination sheet supports the same and shows that on seeing such records the delinquent accepted the irregularities

as mentioned by PW-1 and declined further cross-examination of the witness concerned.

37. The evidence of PW-1 with reference to the annexures of the Audit Team's report Ext. M-12 therefore goes unchallenged and accordingly proves the involvement of N. Mishra in the defalcation of at least some amounts as discussed above out of the amount of Rs. 10,107.

38. The reply dated 2-7-1974 of the delinquent to the charges shows that he has admitted that he handed over a few sheets to Manick Bakshi for disbursement of the amounts on those sheets without any malafide intention as he could not complete the disbursement within the normal duty hours. His reply further shows that he used to leave office at the close of the duty hours and would leave remaining sheets along with the cash with Manick Bakshi for payment as per mutual arrangement. The delinquent's statement to the Domestic Enquiry Committee also supports the same, specially in respect of Rs. 65/- concerning the workman Dhanuk Dhari. The charge that the delinquent handed over the cash to Manick Bakshi without any authority and that the undischarged amount was not credited to the cash book is thus proved. The other statements of the delinquent and the defence evidence before the Domestic Enquiry Committee do not absolve him from the involvement as already proved. The materials in the record therefore have proved the delinquent's misconduct arising out of his dishonest malpractices.

39. With regard to the defalcation of the amount of Rs. 4,396.63 by the delinquent in connivance with the other charge-sheeted delinquents, which is the subject matter of the report dated 8-6-1974 Ext. M-11 of the Preliminary Enquiry Committee headed by G.C. Mahapatra, the evidence of PW-2 Shri Mahapatra and his other two members PW-3 and PW-4 could not establish the same by showing the involvement of the delinquent in any part of the said amount.

40. The question whether the delinquent committed irregularities malpractices in league with the other charge-sheeted delinquents will be discussed later on.

41. I now take up the case of S.C. Gandhi (since deceased) who was the Time Keeper in the Damra Colliery. The delinquent has been charged by one charge sheet dated 25-9-1974 which has referred to the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G.C. Mahapatra and the report dated 13-9-1974 of the Audit Team under the signature of B. Keshab, which appear to have been made part of the charge. The imputations made in the charge against the delinquent are as follows. The delinquent being the Time Keeper of the colliery concerned made falsification of the attendance and did manipulation with regard to the leave payment and made also payment on account of omitted attendance without any authority. The irregularities malpractices dishonestly committed by the delinquent in league with others resulted in the defalcation of Rs. 10,107 as detected in the Audit Team's report dated 13-9-1974 in addition to Rs. 4,396.63 as detected in the Preliminary Enquiry Committee's report dated 8-6-1974.

42. The delinquent in his reply to the charge denied his involvement in the irregularities mentioned in the charge and denied also the imputations in the charge. He on the other hand contended that as Time Keeper he was responsible to maintain the attendance only of the time rated surface workman and that nothing wrong as found there.

43. The employer examined PW-1 B. Keshab, PW-2 G.C. Mahapatra, PW-3 M. Singh, PW-4 Y.R. Mondloi, PW-5 P. G. Gokhel and PW-6 M.R. Mukherjee and produced some documents before the Domestic Enquiry Committee.

44. The delinquent gave defence evidence and examined DW-1 B.D. Chatterjee, DW-2 M. Sarkar, DW-3 Chandi Charan Chakraborty, DW-4 Reghunath Ghosh and DW-5 Tribhuban Das and also made his statement before the Domestic Enquiry Committee.

45. PW-5 P.G. Gokhel who was the manager of the Colliery concerned at the relevant time, has stated in his evidence that Shri Gandhi had been working as the Time Keeper and was responsible for attendance of all the time-rated workers of both surface and underground and that Shri Gandhi used to help and generally look after the preparation of wage sheets which were sent to the I.B.M. Section. His evidence further shows that Shri Gandhi was responsible for maintenance of leave records and leave advance payments of mostly time-rated workmen but in case of any discrepancy, as a senior most man in the office, he used to look after other categories also and that Shri Gandhi being one of the oldest employee of the colliery concerned and being conversant with all the jobs in his section and Bill Section, was the manager's trusted man. The evidence of PW-5 further shows that on a general complaint from the Head Clerk and Shri Gandhi about the shortage of staff because of the transfer of B.P. Chatterjee without replacement, the deponent as Manager asked them to suggest the name of the employee whom they would like to have in place of B.P. Chatterjee and that on their suggestion for Pit Munshi, Manick Bakshi, the Manager (PW-5) agreed to their suggestion provided they would train him up and see that no mistakes were done by him and correct data were sent to I.B.M. Section. According to the evidence of this witness (PW-5), the delinquent as the Time Keeper was responsible for maintaining the attendance of surface and underground time rated workers after getting their attendance from different sections. The evidence of PW-5 Shri Gokhel under whom the delinquent worked, could not be shaken in cross-examination by the delinquent.

46. The delinquent has tried in vain to show by his statement before the Domestic Enquiry Committee that his only job was to maintain the attendance of surface time-rated workmen. The evidence both oral and documentary including the evidence of PW-5 Shri P. G. Gokhel has proved the responsibility of the delinquent Shri S. C. Gandhi (since deceased) for other work also, namely preparation of the wage sheets and data sheets, maintenance of leave records and leave advance payments. The delinquent while cross-examining PW-5 Shri Gokhel has admitted this position that not only he alone but some other workmen also used to prepare data sheets. The

data sheets (Exts. 2 and 3 before the Domestic Enquiry Committee) which are part of the proceedings Ext. M-13 bear the admitted signature of Shri S. C. Gandhi and when PW-1 B. Keshab, the author of the Audit Team's report Ext. M-12 showed the same to Shri Gandhi at the time of his cross-examination being asked by Shri Gandhi, Shri Gandhi did not cross-examine PW-1 B. Keshab any more.

47. DW-1 B.D. Chatterjee (Head Clerk-Cum-Cashier) examined by the delinquent himself as his witness has stated that Shri Gandhi being the Head Time Keeper was experienced to work as per Manager's instruction in the same manner as was done in other colliery and that Shri Gandhi used to prepare the bill and sign the vouchers and some times used to make payments being so instructed by the Head Clerk-cum-Cashier.

48. Annexure—'D' to the Audit Team's report Ext. M-12 deals with advance in the cases of omitted attendance, leave/sick salary/wages, not billed earlier but billed subsequently and drawn without any details and without any body's authority.

49. The evidence of PW-1 B. Keshab with reference to Annexure—'D' to the Audit Team's report Ext. M-12 shows Shri S. C. Gandhi's (Since deceased) involvement in the cases of omitted attendance and leave salary not billed earlier but billed subsequently and drawn without any authority in respect of the total amount of Rs. 1,890/- The Leave Ad-hoc Book which is the part of the proceedings of the Domestic Enquiry Committee (Ext. M-13 before this Tribunal) considered with the Annexure—'D' of the Audit Team's report Ext. M-12 containing inter-alia the name of the workman Rampada (55144) shows the false recording and irregular billing and payment for the amount of Rs. 2/77/- out of the amount of the amount of Rs. 1,890 mentioned in Annexure 'D'.

50. The evidence of PW-1 B. Keshab with reference to the Annexure—'E' dealing with the cases of falsification of attendance and containing inter-alia the name of workman Bhola Nunia (55872) shows that as seen from the Form—H Leave Register (part of the Domestic Enquiry Committee's proceedings), the workman concerned was on sick leave from 31st December 1973 to 26th March 1974 and that after getting the fitness certificate from the Medical Officer for resuming duty with effect from 27-3-1974, the workman resumed duty on 23-3-1974 and worked on 26th, 28th and 29th March, 1974 but the workman was paid wages for 13 days in February—1974 and 15 days in March—1974 thereby showing the false billing and irregular payment.

51. In respect of the aforementioned case, the Learned Advocate for the Union has submitted that value should not be given to the aforesaid evidence as the Form—E Attendance Register has not been produced. The Form—E Attendance Register which has been referred to in the Annexure—'E' of the Audit Team's report in relation to Bhola Nunia has not been produced. Mention may be made here that the evidence of PW-1 with reference to Annexure 'E' in respect of Bhola Nunia's case was not challenged before the Domestic Enquiry Committee on this particular issue. Further PW-1 B. Keshab prepared the Audit Team's report with reference to the Form G Leave Register and Form E Attendance Register and has given evidence also with reference to the

same. Such being the position, non-production of the Form E Register before this Tribunal, being not exhibited before the Domestic Enquiry Committee, does not demolish the evidential value as has been established by other evidence both oral and documentary.

52. The evidence of PW-1 B. Keshab with reference to Item No. 2 of the Annexure—'A' of the Audit Team's report Ext. M-12 shows that the workman Suleman Mia (23835) was granted leave without pay as the workman was not entitled to any leave as per the Leave Register Form—H. However, the leave salary bill for Rs. 291.72 was prepared and after adjusting the advance of Rs. 268, balance was shown as paid. The leave being granted without pay, the entire payment was irregular.

53. It has been shown that the delinquent Shri Gandhi (since deceased) was responsible for maintaining attendance, leave records, leave payments registers and omitted attendance registers and for looking after the date sheets on the basis of which the I.B.M. Section prepares the bills. The evidence of PW-1 B. Keshab with reference to Annexure—'A', 'B' and 'E' to the Audit Team's report Ext. M-12 could not effectively be challenged at all by the delinquent. The evidence therefore establishes the involvement of the delinquent Shri Gandhi in the dishonest commission of irregularities/malpractices as mentioned in the charge levelled against him, resulting in the loss of some amount of money of the employer out of the total amount of Rs. 10,107 as detected in the Audit Team's report Ext. M-12. The misconduct of the delinquent Shri Gandhi according to the Standing Orders of the Company is thus proved.

54. The evidence of other defence witnesses examined by the delinquent could not absolve the delinquent from the involvement as already found to have been established.

55. With regard to the defalcation of the amount of Rs. 4,396.63 by the delinquent in connivance with the other charge-sheeted delinquents which is the subject matter of the report dated 8-6-1974 Ext. M-11 of the Preliminary Enquiry Committee headed by G.C. Mahapatra, the evidence of PW-2 Shri Mahapatra and his other two members PW-3 and PW-4 could not establish the same by showing the involvement of the delinquent in any part of the said amount.

56. The question whether the delinquent Shri Gandhi committed any misconduct in league with the other charge-sheeted delinquents will be considered latter on.

57. I now take up the case of B. D. Chatterjee (Since deceased) who was the Head Clerk-cum-Cashier of the Damra Colliery. The charge dated 24-6-74 and the charge dated 25-9-1974 against the delinquent should be read together. The charge dated 25-9-1974 has referred to the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G. C. Mahapatra and also the report dated 13-9-1974 of the Audit Team under the signature of B. Keshab, which appear to have made part of the charges.

58. The imputations made in the charge against this delinquent are briefly as follows. The delinquent has not maintained proper accounts of the cash disbursed to the clerks concerned on day to day basis. He failed to obtain deposits of the cash balance from the clerks concerned towards the close of the day. The delinquent allowed the clerks to indulge in false payments. Fictitious and incorrect leave advance bills and wage sheets were signed by the delinquent as the passing official in his capacity as the Head Clerk. The irregularities and malpractices dishonestly committed by this delinquent resulted in the defalcation of Rs. 10,107 as detected in the Audit Team's Report dated 13-9-1974 in addition to Rs. 4,396.63 as detected in the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G. C. Mahapatra.

59. The delinquent in his reply to the charges has denied his responsibility in the payment on the basis of the alleged fictitious advance bills and wage sheets and in preparation of the same. According to him the Resident Audit Clerk was mainly responsible for the same. The delinquent has however admitted his responsibility for his failure in taking accounts from the pay clerks for the money given to them by him for disbursement, from time to time and according to him the over-pressure of work to be attended to by him resulted in such failure. The delinquent has denied the alleged misconduct attributed to him by the employer.

60. The employer examined PW-1 B. Keshab, PW-2 G. C. Mahapatra, PW-3 M. Singh, PW-4 Y. R. Mondloi, PW-5 P. G. Gokhel, PW-6 D. Gangopadhyay and PW-7 M. R. Mukherjee before the Domestic Enquiry Committee and produced also several documents. The delinquent who took part in the Domestic Enquiry did not however, give any defence evidence.

61. PW-1 B. Keshab has stated in his evidence that B. D. Chatterjee who was the Head Clerk-cum-Cashier contributed to the commission of the irregularities by not exercising his normal care that he should have done in passing and signing the bills as passing official and also by not taking into credit of the undisbursed leave advances as mentioned in Annexure—F to the Audit Team's report dated 13-9-1974 Ext M-12 resulting in the defalcation of the amount covered by the said Annexure—F.

62. With reference to the Item No. 10 of Annexure—B to the Audit Teams' report Ext. M-12, PW-1 B. Keshab's evidence shows that the delinquent B. D. Chatterjee as Head Clerk signed and passed the false leave advance bills relating to Kalo Majhi (Item No. 10 of Annexure—B) and relating to Ramjit Pandit (Item No. 3 of the Annexure—A to the Audit Team's report) resulting in the defalcation of the amount covered by the said bills. The involvement of the delinquent in this respect has been established by the materials placed before the Domestic Enquiry Committee. The misconduct of the delinquent to that effect has thus been proved, although the defalcation of the amount as per the above discussion is with regard to only a part of the total amount of Rs. 10,107 as detected in the Audit Team's report dated 13-9-1974 Ext. M-12.

63. With regard to the defalcation of Rs. 4,396.63 by the delinquent in connivance with the other charge-sheeted delinquents, which is the subject matter of the report dated 8-6-1974 Ext. M-11 of the Preliminary Enquiry Committee headed by G. C. Mahapatra, the evidence of PW-2 Shri G. C. Mahapatra and his other two members PW-3 and PW-4 could not establish the same by showing involvement of the delinquent in any part of the said amount.

64. The question whether the delinquent acted in league with the other charge-sheeted delinquents in committing the aforesaid irregularities/malpractices resulting in the defalcation of some amount of money, will be discussed later on.

Manick Bakshi.

65. I now take up the case of Manick Bakshi, Pit Munshi, who worked as a clerk for a short period being deputed for the purpose. The Charge dated 24-6-1974 and the charge dated 25-9-1974 against the delinquent should be read together. The charge dated 25-9-1974 has referred to the report dated 8-6-1974 of the Preliminary Enquiry Committee headed by G. C. Mahapatra and also the report dated 13-9-1974 of the Audit Team under the signature of B. Keshab which appear to have been made part of the charges.

66. The imputations made in the charge-sheet against the delinquent are as follows : The delinquent who was the Pit Munshi in the colliery concerned was deputed to work in the office as Clerk due to shortage of Clerk from 1-2-1974 to 20-4-1974. The Investigation in the payment of advances against the leave wages has indicated that the delinquent has defalcated the substantial amount by preparing extra wage sheets and making the false payment. The Preliminary Enquiry Committee headed by G. C. Mahapatra found that Rs. 4,396.63 was mis-appropriated by fictitious payment. The supplementary wage sheets were prepared by the delinquent disregarding the existing practices in the colliery. The delinquent committed irregularities/malpractices in preparing the leave advance registers and bills which contain corrections and over-writing resulting in the defalcation of Rs. 10,107/- as detected in the Audit Team's report dated 13-9-1974 in addition to Rs. 4,396.63 as detected in the Preliminary Enquiry Committee's report dated 8-6-1974. The delinquent acted in league with the other charge-sheeted workmen in committing such irregularities and malpractices.

67. The delinquent in his reply to the charges has stated that he had no office work experience. He was deputed by the management in the office to do the office work and he had to obey it and whatever he did in the official work was done under the guidance and direction of the Head Clerk and the Audit Clerk.

68. The employer examined PW-1 B. Keshab, PW-2 G. C. Mahapatra, PW-3 M. Singh, PW-4 Y. R. Mondloi, PW-5 P. G. Gohel, PW-6 M. R. Mukherjee, PW-7 D. Gangopadhyay, PW-8 N. Mishra, PW-9 Sarjoo Shaw, PW-10 Dhanukdhari Yadav, PW-11 Janmejoy Bouri, PW-12 Paramesh-

war Majhi and PW-13 Binda Majhi before the domestic enquiry and produced also a number of documents.

69. The delinquent participated in the enquiry and gave also defence evidence by examining DW-1 Sisir Ranjan Dutta, DW-2 Chandra Kumar Roy, DW-3 S. C. Gandhi, DW-4 R. C. Mishra and DW-5 Hari Chatterjee.

70. PW-1 B. Keshab has stated in his evidence that Manick Bakshi prepared the Leave Advance Register so far it relates to Item No. 3 Ramjit Pandit (55068) of Annexure--A to the Audit Team's report Ext M-12.

71. The evidence of PW-1 with reference to Item No. 3 of Annexure--A shows that although no leave was due to the workman Ramjit Pandit, advance of Rs. 240/- was paid against the leave availed without pay.

72. The evidence of PW-1 B. Keshab in cross-examination with reference to Item No. 4 Lakhi Ram (55090) of Annexure--A to the Audit Team's report Ext. M-12 shows that the leave advance bill prepared by the delinquent for Rs. 2,444/- included an amount of Rs. 160/- in respect of Lakhi Ram. It was not shown in the said Leave Advance Register for which period the leave advance bill had been prepared. The leave advance of Rs. 160/- had been deducted in the wage sheet of February—1973. It appears from the I. B. M. Sheets for December, 1973 that the workman Lakhi Ram attended 22 days physical attendance and availed 4 days sick leave. As such there was no possibility of the workman availing of 15 days leave in December, 1973. The H Forms Register relating to the workman Lakhi Ram shows that he availed of the leave for 15 days from 1-1-1974 to 17-1-1974 and the I. B. M. sheet for January, 1974 supports the same. The Leave Advance Book shows that Rs. 160/- was paid to Lakhi Ram as advance for 15 days leave in December, 1973, although the H Form Register and the I. B. M. Sheet for December, 1973 show that the workman did not avail himself of any leave in December, 1973. The I. B. M. Sheet and H Form Register and the Leave Advance Book are parts of the proceedings of the Domestic Enquiry Committee Ext. M-13 before this Tribunal. By referring to the different date as mentioned in the evidence, PW-1 found that the leave advance bill prepared by the delinquent was false. The delinquent could not challenge PW-1's evidence in this respect. I also do not find any material for which I can dis-believe the evidence of PW-1 Keshab with reference to the relevant annexures to the Audit Team's report Ext. M-12.

73. The evidence of PW-1 in cross-examination with reference to Item No. 5 of Annexure-A to the Audit Team's report Ext. M-12 regarding the advance bill of Nakul Mallick (1135.1) shows that the delinquent prepared the advance bill relating to the workman and committed irregularities specially in respect of Rs. 70/- by making false bill. The

evidence of PW-1 with reference to Item Nos. 7, 8 and 10 of Annexure-B to the Audit Team's report Ext. M-12 also establishes the irregularities with regard to the respective amounts as mentioned therein through the hand of this delinquent.

74. The evidence of PW-1 B. Keshab with reference to the Annexure-F of the Audit Team's report Ext M-12 shows that undisbursed advances already drawn by the delinquent from the Cashier but not paid back to the Cashier were not accounted for in the Cash Book. The Annexure-F deals with the cases of undisbursed leave advances not accounted for in the Cash Book. The evidence of PW-1 with reference to the relevant record has disclosed that the undisbursed amount of Rs. 45 and Rs. 101 as mentioned in the Annexure-F of the Audit Team's report Ext M-12 were not accounted for in the Cash Book.

75. The evidence of PW-1 B. Keshab with reference to some items of Annexure-A and B and Annexure-F to the Audit Team's report Ext. M-12 as discussed above establishes the involvement of Manick Bakshi in commission of the irregularities/malpractices resulting in the defalcation of the amount of Rs. 1,560/- out of the amount of Rs. 10,107/- as detected in the Audit Team's report Ext. M-12. The misconduct of the delinquent to that extent is thus proved. The defence-evidence could not absolve him from the charges established.

76. As regards the charge for the amount of Rs. 4,396.63, the employer's witnesses could not establish satisfactorily the defalcation of the same amount or any amount out of the same through the instrumentality of this delinquent.

77. In preparation of the supplementary wage sheets ignoring the prevalent practices in the colliery as alleged by the employer, it appears that the delinquent was made an instrument to be played as per the direction and guidance of the Head Clerk and the Audit Clerk who were asked by the Manager to train Manick Bakshi to do such work.

78. I now come to the discussion whether all the charge-sheeted delinquents acted in league with each other in commission of the irregularities/malpractices which resulted in the defalcation of some amount of money of the employer. From the facts and circumstances as already discussed with reference to the evidence both oral and documentary and circumstantial, keeping in view the individual case, I find that the charge-sheeted five delinquents committed the irregularities in league with each other. Although the case of Manick Bakshi might be on a separate footing. It appears from the deposition already discussed that Manick Bakshi was a Pit Munshi and that he had no experience at all of the office-work like preparation of bills, wage sheets etc. It appears that nowhere the delinquents took up the defence before the Domestic Enquiry Committee that they did not understand the contents of the charges. It appears from the deposition already discussed that Manick Bakshi was a Pit Munshi and that he had no experience at all the office-work like preparation of bills, wage sheets etc. It appears from the evidence already discussed that on the transfer of one clerk B. P. Chatterjee from the concerned section the Manager

asked Manick Bakshi to work in the office for a short period on the assurance given by the Head Clerk and the Audit Clerk and even to some extent by S. C. Gandhi who was the trusted man of the Manager that they would train up Manick Bakshi and that Manick Bakshi would work under their direction and guidance. It could not be shown that Manick Bakshi of his own accord wanted to be deputed for doing such work. Manick Bakshi had to obey the orders of the Manager and he came to the office to do the work according to the direction and guidance of the senior-most officials in the section, including the Head Clerk, Audit Clerk and Time Keeper like S. C. Gandhi, who looks after the works of the office in the general way, being the trusted man of the Manager. It appears that Manick Bakshi's role in the official work resulting in the irregularities/malpractices was passive and not active according to his own sweet will. Pit Munshi's service in preparing the bills and wage sheets was requisitioned by the Head Clerk and the Audit Clerk and the Time Keeper knowing fully well that he was a novice and has no experience in the office work. The Pay Clerk also took advantage of Manick Bakshi and used to burden him with the undisbursed cash, which Manick Bakshi failed to return to the Cashier cum Head Clerk on the closure of the day. Manick Bakshi was made to work as per the advice and guidance of the senior officials like Head Clerk, Time Keeper, Resident Audit Clerk and even the Pay Clerk N. Mishra. I therefore find that all the charge-sheeted delinquents acted in league with each other, although Manick Bakshi's role in the commission of such act was only passive.

79. Now I come to the question with regard to the punishment as inflicted upon each of the delinquents. Undoubtedly according to the provisions of the Standing Orders of the employer the delinquents are liable to dismissal for the misconduct as found to have been established against each of them. Clause 17 (i) (a) of the Standing Orders Ext W-21 may be referred to in this connection. The employer dismissed all the delinquents for their such misconduct in accordance with the provisions of the Standing Orders.

80. With regard to the quantum of punishment relating to Head Clerk cum Cashier, B. D. Chatterjee (since deceased), Time Keeper, S. C. Gandhi (Since deceased), Resident Audit Clerk R. C. Mishra and Pay Clerk N. Mishra I find that the gravity of misconduct committed by each of them merits such punishment. As regards the quantum of punishment upon Manick Bakshi, I find that the facts and circumstances already discussed deserve some leniency in the matter of punishment in respect of Manick Bakshi, who has become the victim of circumstances after being deputed to work in the office only for a couple of months. It could not be shown also that the past conduct of Manick Bakshi in discharging his duty was in any way not conducive to the welfare of the management. It appears that other experienced officials of the section took advantage of his ignorance and inexperience in the official work and made him the victim of their concerted plan. Such being the position, I find that the dismissal of Manick Bakshi from service will be against the principle of justice. The stoppage of increment for 10 years from

the date of his suspension, I think, will met the ends of justice. Mention may be made here that the Domestic Enquiry Committee while submitting their report also recommended punishment lesser than the dismissal, although it may not be within the power of the Domestic Enquiry Committee to make such recommendation as argued by the Learned Advocate for the employer.

81. In the result I find that the employer has been justified in dismissing Shri B. D. Chatterjee (since deceased), Head Clerk, R. C. Mishra, Audit Clerk, N. Mishra, General Clerk and S. C. Ghandhi (since deceased), Time Keeper but the employer has not been justified in dismissing Manick Bakshi, Pit Munshi. The order of dismissal passed upon him is set aside but the increment of Manick Bakshi for 10 years from the date of his suspension be stopped and subject to this, all other benefits of service be given to Manick Bakshi along with his re-instatement to the service.

This is my Award.

Dated, Calcutta,

The 7th October, 1988.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/46/77-D. IV(B)]

का. आ. 3519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लि. की टोलाबोनी कोलियरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

S.O. 3519.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tilaboni Colliery of M/s. Eastern Coal fields Limited and their workmen, which was received by the Central Government on the 1-11-88

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 52 of 1988

PARTIES :

Employers in relation to the management of Tilaboni Colliery of M/s. Eastern Coalfields Limited.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. S. N. Saigal, Personnel Manager.

On behalf of Workmen.—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(117)/86-D.IV(B) dated 23rd April, 1987, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Tilaboni Colliery of M/s. ECL, P.O. Ukhra, Distt. Burdwan (WB) in treating Shri Rambodh Nunia, a permanent Loader, as Badli worker in justified? If not, to what relief the workman is entitled?”

2. When the case is called out today, Mr. S. N. Saigal, Personnel Manager of the Colliery appears for the management and files a Joint Petition of Compromise, duly signed by both parties. He prays for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submission of Mr. Saigal. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an ‘Award’ in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure ‘A’

This is my Award.

Dated, Calcutta,

The 21st October, 1988.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/117/86-D.IV(B)]

ANNEXURE ‘A’

BEFORE THE HON’BLE PRESIDING OFFICER,— CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

In the matter of reference No. 52 of 1988
PARTIES :

Employer in relation to the management to Tilaboni Colliery of M/s. ECL and their workmen (Sri Ram Abadh Nunia).
Joint petition of compromise

Both the parties herein concerned most respectfully submits :—

1. That the above matter is pending adjudication before the hon’ble tribunal and the matter has not yet heard.
2. That the schedule in the case is that whether the action of the Management of Tilaboni colliery of M/s. ECL, P.O. Ukhra, Dist. Burdwan in treating Sri R. A. Nunia, a parmanent loader as Badli worker is justified? If not, to what relief the concerned workman is entitled?
3. That the both parties discussed the instant matter mutually and have come to an amicable settlement of the instant matter on the following terms and condition,

Terms of Settlement

- (1) That since Sri R. A. Nunia is already treated as a permanent loader with effect from 12-7-84, the management agreed to pay 50 per cent wages for the idle period from 12-6-84 to 11-7-1984.
- (2) That both the parties agree that this settlement will be effective from the date the award pass by the hon'ble tribunal.
- (3) That the management agree that the payment as per clause No. 1 will be made within one month from the date of the award.
- (4) That the union agrees that by this settlement the instant matter and any matter arising out of the instant order of reference stands fully and finally settled.
- (5) Both the parties pray that the Hon'ble tribunal may be pleased to accept the terms of settlement as fare and proper and may be further pleased to pass an award in terms of this settlement.

And for this act of kindness both the parties as in duty bound shall ever pray.

Dated :

7th day of October, 1988.

For & on behalf of the
workman (Sri Ram Abadh Nunia)

For & on behalf of the
Employer
Sd/-

Agent, Tilaboni Colliery
For & behalf of the Employers

का. आ. 3520.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स सेंट्रल कोलफील्ड्स लि. काकरी प्रोजेक्ट, जिला मिर्जापुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-88 को प्राप्त हुआ था।

S.O. 3520.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Coal fields Limited Kakri Project, Distt. Mirzapur and their workmen, which was received by the Central Government on the 27-10-88

**BEFORE SHRI ARJUN DEV, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR
COURT, KANPUR**

Industrial Dispute No. 106 of 1987

In the matter of dispute between :

The Secretary,
Colliery Mazdoor Sabha,
Branch Kakri Project,
P.O. Bina,
Distt. Mirzapur. (U.P.)

Petitioner

AND

The General Manager,
Kakri Project,
Central Coalfields Limited,
P.O. Bina Project,
Mirzapur. (U.P.)

Opp. party/s.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-21011/24/85-4.III(B) dated 18-8-87, has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Central Coalfields Limited in relation to their Kakri Project, Distt. Mirzapur in not giving benefit of clerk Gr. II to S/Shri Parmeshwar Sharma, Shri Ranjeet Kumar Srivastava, Rambachan Singh and Shri Raghubanshani, Clerk w.e.f. the date of their joining in Kakri Project, is legal and justified ? If not, to what relief the workmen concerned are entitled ?”

2. In this case, 26-8-88 was the date for filing affidavit/evidence from the side of the workman, but on that date none appeared from the side of the workman, however, the case was adjourned to 26-9-88.

3. On 26-9-88 Shri V. K. Gupta appeared for the management. No affidavit evidence filed by the workman. Further neither the workman nor his authorised representative put in appearance.

4. It seems that the workmen are not interested in prosecuting the case. Hence a no claim award is given in the case.

**ARJAN DEV, Presiding Officer
[No. L-21011/24/85-D.III(B)]**

का. आ. 3521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व बोजमेहारी को ल्यरी, डाक: सालनपुर, जिला बर्द्धवान के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को को प्राप्त हुआ था।

S.O. 3521.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bonjemehari Colliery P.O. Salanpur District Burdwan Colliery and their workmen, which was received by the Central Government.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 53 of 1983

PARTIES :

Employers in relation to the management of
Bonjemehari Colliery, Post Office Salampur
Distt. Burdwan.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. B. N. Lala,
Advocate.

On behalf of Workmen.—None.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012(34)83-D.IV(B) dated 28th September, 1983, the Government of India, Ministry of Labour & Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bonjemehari Colliery P.O. Salampur, Distt. Burdwan not to regularise Shri Makaram as Tipping Truck Driver in Category V w.e.f. 13-2-1981 is justified? If not, to what relief the workman concerned is entitled?"

2. When the case is called out today, Shri B. N. Lala, Advocate appears for the management and files a Joint Petition of Compromise duly signed by both parties, and prays for an Award in terms of Joint Petition of Compromise. Considered the Joint Petition of Compromise and also the submission of Mr. Lala. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I, therefore, accept the same and pass an 'Award' in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure—'A'.

This is my Award.

Presiding Officer

SUKUMAR CHAKRAVARTY,

Dated, Calcutta,
The 5th October, 1983

[No. L-19012(34)83-D.IV(B)]

ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBU-
NAL CALCUTTA

In the matter of Reference No. 53 of 1983

PARTIES :

Employers in relation to the Management of
Senjemihari Colliery of M/s. Eastern Coal-
fields Ltd.

AND

Their workmen

Joint petition of Compromises

The humble petition of both the Parties herein concerned most respectfully sheweth :

1. That the above matter is fixed for hearing on 5-10-88.
2. That both the Parties submitted their written statements before the Hon'ble Tribunal and the instant matter is pending before the Hon'ble Tribunal.
3. That in the meantime the Parties concerned herein mutually discussed the instant matter and have come to an amicable settlement of the instant matter on the following terms :

Terms of Settlement

- (i) That in view of the fact that the workman herein concerned was already regularised as T/T Driver in Cat. V with effect from 1-11-84. The workman has no longer any dispute in the instant matter and any matter arising out of this order of reference.
 - (ii) That the Management agrees to pay a sum of Rs. 800/- (Rupee eight hundred) only towards cost incurred by the workman in conducting the case before the Hon'ble Tribunal. This payment will be made within one month from the date, the settlement is accepted by the Hon'ble Tribunal.
 - (iii) That there shall be no further claim of any nature by the workman and his union in respect of any matter arising out of instant order of reference.
 - (iv) That by this Settlement the instant matter is fully settled.
4. That both the Parties pray that the Hon'ble Tribunal would accept this settlement as fair and proper and may be further pleased to pass an Award in terms of this settlement.

And for this act of kindness both the parties as in duty bound shall ever pray.

The 26th day of Sept. '88

BONJEMIHARI (R) COLLIERY,
For and on behalf of the employers
C. M. E. U. General Secretary
For & on behalf of the workman

का. आ. 3522.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई. सी. लिमिटेड की छोटा-डोह कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

S.O. 3522.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Kottadih Colliery of M/s. E. C. Ltd. and their workmen which was received by the Central Government on the 1-11-88.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 109 of 1988

PARTIES :

Employers in relation to the management of Khottadih Colliery of Eastern Coalfields Limited.

AND

Their workmen

APPEARANCES :

On behalf of employers.—Mr. S. K. Roy, Senior Clerk of the Colliery

On behalf of workmen.—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(16)|87-D.IV (B) dated 14-8-87 the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Khot-tadih Colliery of M/s. E. C. Ltd., P.O. Khottadih via Haripur, Distt. Burdwan in dismissing Sri Dilip Bouri, Bailing Mazdoor from service from 3-1-1984, is justified ? If not, to what relief the concerned workman is entitled ?

2. When the case is called out today, Mr. S. K. Roy, Senior Clerk of the colliery appears for the management but the Union concerned does not appear nor files any written statement inspite of service of the repeated notices upon them, the last being on 16-8-88. The Union and the workman concerned do not appear to be interested in proceeding with the present reference. This Tribunal therefore has no other alternative but to pass a 'No Dispute Award' and accordingly I do so.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer
Dated, Calcutta

The 16th September, 1988.

[No. L-19012|16|87.D.IV(B)]

का. आ. 3523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मसर्स ईस्टर्न कोलफील्ड्स लि. की मधुपुर कोलिरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रका

शित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

S.O. 3523.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 1-11-88.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 108 of 1988

PARTIES :

Employers in relation to the management of Madhaipur Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workmen

APPEARANCES :

On behalf of employers.—None.

On behalf of workmen.—None.

STATE : West Bengal

INDUSRY : Coal.

AWARD

By Order No. L-19012(6)|87-D. IV. B dated 14-1-1987, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Madhaipur Colliery of E. C. Ltd. in striking off the name of Sri Lakhan Majhi, Wagon Loader, is justified ? If not, to what relief the concerned workmen is entitled ?”

2. When the case is called out, none appears from either side. It appears that neither the Union nor the management did appear on 1-8-1988 inspite of service of the notice upon the union on 9-6-1988 and upon the management on 12-7-1988. On this day also fixed with a clear direction that the matter will be taken-up for disposal in the absence of the parties provided they fail to appear or file written statement inspite of the service of the notice upon them, the parties have failed to appear and file the written statement. It appears that the notice fixing the date, today was duly served upon the union on 16-8-1988. The acknowledgement showing the service of the notice upon the management has not come back but it appears that one month has elapsed since the issue of the notice even upon the management. Be that as it may, it appears that the parties, specially the union at whose instance the reference has been made is not interested to proceed with the reference. In the circumstances this Tribunal has no other alternative but to pass the 'No Dispute Award' and accordingly I do so.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer

Dated, Calcutta, The 19th September, 1988.

[No. L-19012/6/87-D.IV.(B)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 8 नवम्बर, 1988

का. आ. 3524—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम, प्रवर्तन से भारत सरकार के उपक्रम, मैसर्स हिन्दुस्तान जिक लि., उदयपुर में नियुक्त नियमित कर्मचारियों को प्रथम अक्टूबर, 1987 से 30 सितम्बर, 1991 तक जिसमें यह दिनांक भी सम्मिलित है की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रगुविधाएं प्राप्त करने रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सन्दर्भ अभिदायों के आधार पर हकदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिराय पहले ही किए जा चुके हैं तो वे वापस ही किए जाएंगे;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1959 के अधीन उसे उक्त अवधि की बाबत देती थीं;

- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणों की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और

अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिकूल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिमोहाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तिमय कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा वही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[संख्या एस-38014/52/87-एस. एस.]

स्पष्टीकरण प्राप्त

इस मामले में छूट को भूलझी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था। किन्तु यह प्रमाणित किया जाता है कि छूट को भूलझी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 8th November, 1988

S.O. 3524.—In exercise of the power conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of M/s. Hindustan Zinc Limited, Udaipur from the operation of the said Act for a period with effect from 1st October 1987 upto and inclusive of the 30th September, 1991.

The above exemption is subject to the following conditions, namely :—

(1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to :—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employ-

ment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[File No. S-38014/52/87-SS.I]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली, 10 नवम्बर, 1988

का. आ. 3525.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 5 के साथ पठित पैराग्राफ 4 के उपपैरा ग्राफ (1) के अनुसरण में श्री एच. एन. बिश्वास के स्थान पर श्री राम लुभाया बाबा को पंजाब राज्य के लिए क्षेत्रीय समिति का सदस्य नियुक्त करती है और भारत के राजपत्र भाग 2, खण्ड 3(ii) दिनांक 11 अप्रैल, 1987 में प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 984 दिनांक 25 मार्च, 1987 में निम्नलिखित संशोधन करती अर्थात् :—

उक्त अधिसूचना में क्रम संख्या 7 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी अर्थात् :—

“श्री राम लुभाया बाबा,
महा सचिव,
पंजाब राज्य भारतीय मजदूर संघ,
गली नं. 2, पुतलीघर
अमृतसर-143001.

[संख्या बी-20012(3)/84-पी. एफ. 2(स. सु.-2)]

New Delhi, the 10th November, 1988

S.O. 3525.—In pursuance of sub-paragraph (1) of paragraph 4 read with paragraph 5 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri Ram Lubhaya Bawa as a member of the Regional Committee for the State of Punjab in place of Shri H. N. Biswas and makes the following amendment in the notification of the Government of India, Ministry of Labour No. S.O. 984 dated the 25th March, 1987 published in the Gazette

of India, Part-II, Section 3, Sub-Section (ii) dated the 11th April, 1987.

In the said notification against Serial No. 7 for the existing entry, the following entry shall be substituted, namely :—

“Shri Ram Lubhaya Bawa,
General Secretary,
Punjab State Bharatiya Mazdoor Sangh,
Gali No. 2, Putli Ghar,
Amritsar-143001”.

[No. V-20012(3) 85-PF-II(SS-II)]

नई दिल्ली, 16 नवम्बर, 1988

का.आ. 3526.—केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के सा पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के लागू होने से भारत सरकार के उपक्रम, मैक्स हिन्दुस्तान जिग लि., विशाखापत्तनम में नियुक्त नियमित कर्मचारियों की प्रथम मार्च, 1977 से 30 सितम्बर 1991 तक जिसमें यह दिन भी सम्मिलित है, की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित ह, अर्थात् :—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाए जाएंगे;

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व मन्दत अभिदायों के आधार पर हकदार हो जाते;

(3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हैं तो वे वापस नहीं किए जाएंगे;

(4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् “उक्त अवधि” कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1959 के अधीन उसे उक्त अवधि की बाबत देती थीं;

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—

(i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिकूल स्वल्प इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

(क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधि-भोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[संख्या एस-38014/56/87-एस.एस-1]

ए. के. भट्टारार्थ, अवसर सचिव

स्पष्टीकरण ज्ञापन.

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट का आवेदन पत्र देरी से प्राप्त हुआ था। किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 16th November, 1988

S.O. 3526.—In exercise of the power conferred by section 88 read with section 91A of the Employees'

State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Hindustan Zinc Limited, Vishakhapatnam from the operation of the said Act for a period with effect from the 1st March, 1977 upto and inclusive of the 30th September, 1991.

The above exemption is subject to the following conditions, namely :—

(1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950

(5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to :—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages

or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[File No. S-38014/56/87-SS.I]

A. K. BHATTARAI, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not effect the interest of anybody adversely.

नई दिल्ली, 11 नवंबर, 1988

क्र. आ. 3527.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसूर टाटा आइरन एंड स्टील लि. का जमदोबा कोलियरी के प्रबंधन में संबद्ध निवासियों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार का 1-11-88 को प्राप्त हुआ था।

New Delhi, the 11th November, 1988

S.O. 3527.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2 Dhanbad) as shown in the Annexure in the industrial dispute between the employers in relation to the Jamadoba Colliery of M/s. Tata Iron & Steel Company Limited and their workmen, which was received by the Central Government on 1-11-1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 197 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of 6 & 7 Pits Jamadoba Colliery of M/s. Tata Iron & Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri J. P. Singh,
Advocate.

On behalf of the employers.—Shri B. Joshi,
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 26th October, 1988

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(95)/86-D.III(A), dated, the Nil.

SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of 6 & 7 Pits Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited should give proper designation in higher category to their workmen, mentioned below, in accordance with the jobs actually performed by them is justified? If so, to what relief are these workmen entitled?”

1. Sri Sardari Ram.
2. Sri Ram Bilash Ram.
3. Sri Sitaram Paswan.
4. Sri Nimai Charan Mahato.
5. Sri Biswanath Gorain.
6. Sri Parasnath Tiwari.
7. Sri Umesh Turi.
8. Sri Rajender Rai.
9. Sri Bhola Singh.
10. Sri Chunchun Mistry.
11. Sri Kameshwar Bagti.
12. Sri Kaleshwar Mahato.
13. Sri Ananta Mondal.
14. Sri Muski Turi.
15. Sri Gangaram Shaw.
16. Sri Khalil Mia.
17. Sri Budhu Gorain.
18. Sri Jagdish Ram.

The case of the workmen is that 18 concerned workmen were appointed in the year 1976 and 1977 in Jamadoba Colliery of M/s. Tisco Ltd. on the production side and were able to learn by working and became competent to do skilled work. The management of Tisco started construction and development project in 1980 for the development of the mine for the purpose of production of coal. The concerned workmen were put in construction and development project in 1930 when the project commenced its working as the concerned workmen had learnt the trade and could be usefully employed by the management. The concerned workmen were put in Cat. II, III and IV according to the nature of work being performed by them in the construction and development work. The concerned workmen Chunchun Mistry, Kameshwar Bagti and Anant Mondal were employed as explosive carrier in Cat. II of the Wage Board Recommendation. The concerned workman Gang a Sao was employed as Line Mazdoor in Cat. II. The concerned workman Buddhu Gorai was employed

as Timber Mazdoor in Cat. II. The concerned workman Biswanath Gorain, Parasnath Tiwari, Umesh Turi, Rajender Rai and Bhola Singh were employed as Pump Khalasi in Cat. III and the rest of the concerned workmen were employed in Cat. IV jobs such as Sardari Ram was employed as compressor, Muski Turi was employed as Timber Mistry. The above concerned workmen were paid the difference of wages between Cat. I and the categories to which they were employed. Since 1980 all the concerned workmen were in continuous service over the jobs to which they were employed and they all completed more than 240 days attendance in each year. The concerned workmen were entitled to be regularised on the jobs which they were performing. Even prior to 1980 the concerned workmen although placed in Cat. I Mazdoor were doing the jobs higher than Cat. I. Shri A. K. Sinha, Secretary of the union of the workmen had prepared a chart which is Annexure ‘A’ to the W.S. of the workmen at the time of conciliation proceeding showing the names of the workmen, the categories in which they used to work and also their attendance for the year 1983, 1984 and 1985 upto the month of July when the dispute was raised. In spite of the jobs performed by the concerned workmen the management were reluctant to give them Cat. I designation and a dispute was raised resulting into arbitration by which the concerned workmen were made permanent employees of Cat. I. The contention of the management is that as the construction and development project is of a temporary nature it will not be possible for the management to accommodate the concerned workmen after the project is completed. According to the workmen the management has indulged into unfair labour practice in view of the provision of law that if a workman has continuously worked in a year in a particular job and completed 240 days he would become permanent by virtue of the operation of law and the management has no discretion left in the matter. After the completion of the Project the management would start production work in which the management can require the jobs which are being performed by the concerned workmen and the concerned workmen could be usefully put in those jobs on the production side without any discontinuance in their jobs. The management without any valid reason is adamant in keeping the concerned workmen in Cat. I in spite of the fact that they are skilled workmen deserving to be placed in higher category and fit to be regularised in their higher jobs being performed by them. On the above facts it is prayed on behalf of the workmen that they should be regularised in their higher jobs with effect from the date since they have been put in higher jobs in the construction and development project of M/s. Tisco at Jamadoba.

The case of the management is that the present reference is not legally maintainable. The concerned workmen were working as temporary workmen in construction and development work at 6/7 Pits colliery since construction and development projects started in 1981. A mine or coal seam has to be developed for the purpose of production of coal. The work of development of coal seam is termed as construction and development work. The nature of job of which is not the same involved in production jobs or winning of coal. Such construction and development works

in a mine are one time job and are taken up after great interval of time. The construction and development work is thus a temporary work which is completed in specific period of time and it does not continue permanently.

RCMS which is the recognised union gave a strike notice in the year 1973 demanding for making permanent all the temporary workmen working at the collieries of the management at Jharia division. Arising out of the said strike notice a conciliation settlement was arrived at on 5-5-1983. In terms of the said settlement those temporary workers who had put in 190 days attendance in the underground or 240 days attendance on surface in the years 1981, 1982 or during the period 12 months commencing from 17-2-1982 to 16-2-1983 were made permanent except those temporary workmen who were engaged in construction and development work at different collieries. The other terms of the above settlement in respect of 67 construction and development workers of 617 Pits colliery were referred to the jointly agreed arbitrators, namely, S/Shri R. Chawla, Sr. Technical Advisor; and S. Das Gupta the then Joint General Secretary of the R.C.M.S. The arbitrators after hearing the parties gave their award for making the 28 out of the 67 temporary construction and development workers permanent with effect from 1-4-83. Out of the said 28 workers who were awarded permanency 19 were temporary Cat. I mazdoors and 9 were temporary stone stackers. The concerned 18 workmen in the present reference are amongst those 19 workmen stated above who were awarded permanency as Cat. I mazdoors. The concerned workmen were given the benefit of permanency by the arbitrators on the ground that they were engaged in the colliery operation since prior to their engagement in construction and development work which began sometime in the year 1981 and those temporary workman who were junior to them and were engaged in the colliery after the concerned workmen were brought to construction and development work, were made permanent in terms of the aforesaid settlement as such though the concerned workmen were engaged in purely temporary nature of job in the construction and development work, they were awarded permanency. The said arbitrator award was implemented and the concerned workmen were made permanent with effect from 1-4-1983 although they continued to work on temporary nature of job in the construction and development works. The construction and development work at 617 pits colliery was over on 31-8-1986 and thereafter the concerned workmen were brought on the roll of the colliery after completion of the construction and development work with continuity of service with effect from 1-4-1983. The concerned workmen after the completion of construction and development jobs were taken in the colliery rolls as general mazdoor. According to the management it was not possible to regularise them on higher jobs as on completion of construction and development work there was no permanent vacancy in the colliery in those higher categories in which they had been working in construction and development job. The concerned workmen could not be painfully employed in the colliery after they are put on higher categories in which they were working in the construction and development work. The operations of machines, nature of supports like arches, girders,

and manner of blasting pattern of holes, stemming and shot firing, handling of different type of explosives and detonators carried on during development and construction work are different from similar types of jobs carried on during normal process of winning of coal and depilaring operations of coal seams. There is no difficulty in engaging any person as general mazdoor both in the construction work as well as during coal mining operation connected with winning of coal, but there is great difficulty while engaging persons in skilled and specialised jobs during different stages of working mine and it depends on the requirement of the mines. There is no rules for regularising of workmen of lower category on higher category on the basis of length of service. The question of regularisation is decided at the time of promotion for filling up permanent vacancies of higher category. The length of service in higher category, the nature of jobs performed, suitability for the higher jobs and merit of the workmen amongst all the claimants are taken into consideration while selecting the workmen for regularisation on higher category jobs. As the concerned workmen work in development and construction jobs which were temporary in nature, they cannot claim for regularisation on higher category of temporary jobs. When the jobs are not permanent the workmen are reverted back when such jobs are not available. However, they are entitled to wages according to nature of jobs performed by the workmen and they are getting the same by way of difference of wages. The management has not adopted any policy of making permanent of higher category temporary jobs, and there is no provision in the certified standing orders of industrial dispute Act to make a workman permanent or regularise on higher category temporary jobs. On the above facts it is submitted that the demands of the workmen for fixing of the concerned workmen on higher category with proper designation cannot be accepted in view of temporary nature of jobs on which they were engaged and in view of the fact that they have been made permanent as general mazdoor with effect from 1-4-1983 according to the arbitration Award.

The point for consideration in this reference is whether the concerned workmen are entitled to higher category in accordance with the jobs actually being performed by them.

The workmen and the management have each examined two witnesses in support of their respective case. The documents of the workmen have been marked Ext. W-1 to W-4 and the documents of the management have been marked Ext. M-1 to M-5 series.

Most of the facts of the case are admitted. It is admitted that the concerned workmen were formerly working on the production side of Jamadoba colliery as Cat. I Mazdoor and after the start of the construction and development project in 1981 they were engaged to work on the construction and development work. It is also admitted case of the parties that different concerned workmen were employed to work on different jobs of higher category than Cat. I. It is also admitted that the concerned workmen while they were working in the construction and development work were made permanent in Cat. I with effect from 1-4-83 on the basis of arbitration Award. Ext. M-1 dated 5-5-83 is the memorandum of settlement

arrived at under Section 12(3) of the I.D. Act, 1947 before the ALC(C), Dhanbad on 5-5-83 between the management of the collieries of M/s. Tisco and their workmen represented by KCMS, Dhanbad. It will appear that the KCMS demanded for the permanent employment of the temporary workers employed at the collieries/department in Jharia group of collieries of Tisco, Ltd. which was settled by the memorandum settlement dated 10-7-80 arrived at in the course of conciliation proceeding held by the RLC(C), Dhanbad on 8th and 10th July, 1980. In accordance with the clause 4 of the said agreement the union and the management's representative were discussing from time to time the question of review of man power required but the management did not agree that more number of permanent posts would be required to be filled up. Thereafter the union served a strike notice and then the Conciliation proceeding was held by the ALC(C), Dhanbad on 5-5-83. According to the terms of settlement in Ext. M-1 it was agreed that such temporary workers working for a long time would be made permanent with effect from 1-4-83. The criteria for making those workers permanent shall be 240 days of attendance/190 days of attendance put in at surface and underground respectively in calendar years 1981 or 1982 or during the period of 12 months commencing from 17-2-82 and ending with 16-2-82. Clause 4(i) of Ext. M-1 provides that a list of temporary development and construction workers who have put in 190 days of attendance underground was to be jointly scrutinised by the Agent of the respective collieries and the colliery branch president/secretary of the union to decide as to who were the temporary workers working on purely temporary jobs in construction and development and in the event of disagreement the matter will be referred to Shri S. Dasgupta and R. Chawla who were accepted by both the parties as Joint Arbitrators for the said purpose. It was further provided that in case in which the Arbitrators differed the matter will be referred to S/Shri Kanti Mehta and Ramnath Sharma who were also accepted by the parties as Umpires and their decision was to be final and binding on all the parties. Accordingly S/Shri R. Chawla and S. Dasgupta arbitrated over the dispute of temporary Cat. I mazdoor and Ext. M-3 dated 15-10-82 is the Arbitration Award. On reading of the said arbitration Award Ext. M-3 it will appear that the concerned workmen were made permanent with effect from 1-4-1983. There was some difference between the two arbitrators which is not in connection with the present reference and as such the matter was referred to the Umpires in accordance with the terms of Ext. M-1. The Arbitrators were unanimous in respect of the permanency of the concerned workmen from 1-4-83 and as such their case was not a matter for consideration of the Umpires in Ext. M-2. The names of the concerned workmen out of the 28 workers who were made permanent in Cat. I is stated in Annexure-A of the arbitration Award Ext. M-3. It will show that all the 18 concerned workmen are named in schedule A of Ext. M-3. It is clear therefore that the concerned workmen were made permanent from 1-4-83 in Cat. I. Ext. M-4 contains a list of temporary employees who were to be made permanent as per the arbitration Award dated 15-10-84 and it contains the names of the concerned 18 workmen out of the 28 listed in it.

Admittedly the construction and development work of the management was completed and there-

after the concerned workmen were taken on the roll of production side of coal. I may briefly refer to the evidence of the parties on the actual matter of dispute. It will appear from the evidence of WW-1 Sri A. K. Sinha who is working in 6/7 Pits Jamadoba Colliery of Tisco and also the Branch Secretary of RCMS at Jamadoba and one of the concerned workmen WW-2 Ram Bilas Ram that the concerned workmen had worked in higher category than Cat. I while they were working on construction and development work and even after their transfer on the production side after the completion of the construction and development work the different concerned workmen had worked on some higher category for which they were paid difference of wages between Cat. I and the Category to which they were employed. MW-1 Shri U. P. Sinha is the Manager of 6/7 Pits colliery of Jamadoba colliery. He has stated about the procedure as to how a workman working occasionally on a higher category is regularised in the higher category. It will appear from his evidence that when there is a permanent vacancy in the higher category all the workmen of the lower category who are eligible for being considered for promotion are considered and the persons selected is put in higher category job and thereafter made permanent in the said higher job. MW-2 is the Welfare Officer of the management. He has stated that when there is vacancy in sanctioned strength of post workmen are made permanent from the lower category if he is found suitable for the same. He has stated that the concerned workmen Muski Turi, Gangaram Saw and Khalil mia have been regularised as haulage operator temper mazdoor and line mazdoor respectively and that the case of the other concerned workmen will also be considered when vacancy occurs and there is no automatic system of regularisation of the workmen. It will appear from the list of workmen given in Ext. M-4 that 28 temporary employees including the concerned workmen were made permanent according to the arbitration award. It has not been stated in the W. S. of the workmen that any of the workmen junior to the concerned workmen out of the said list has been regularised in the higher category. According to the evidence of WW-2 itself it will appear that after 1985 he was asked to work as Pump Khalasi or compressor operator depending upon the availability of work. He has stated that he along with other concerned workmen were transferred in Cat. I on the production side and they were getting the difference of wages when they were placed in the higher category. He has stated that they have authorisation to show that they were doing the work of higher category after they were transferred to the colliery after the completion of the construction and development work and the said authorisation will show as to what work they were asked to do and the days from which they were authorised to do the said work. None of the concerned workmen have filed the said authorisation to show the higher category to which they were employed and the period for which they are so employed. The fact that the concerned workmen are not filing the authorisation goes to prove the case of the management that they were occasionally employed to sometimes work in the higher category for which they were paid the difference of wages. His evidence shows that he was temporarily asked to work on different jobs and his evidence does not show that he was continuously engaged to work on any parti-

ular higher category of work. Other concerned workmen have not been examined in this case and no paper has been filed on their behalf to show the higher category to which they were employed and the period for which they were so engaged in the higher category. It is admitted by the management also that some of the concerned workmen had in fact been temporarily employed to work in higher category for which difference of wages was paid to them. The evidence of the workmen and the admission of the management that the concerned workmen were holding the substantive Cat. I and were engaged occasionally to work in the higher category cannot entitle the concerned workmen for permanency in the higher category. Even if the case of the workmen is accepted that they have worked for more than 190 days in the underground or 240 days on the surface in a year will not entitle them to permanency as the above attendance does not constitute a criteria for making a workman permanent. The said attendance only entitles a concerned workman that he cannot be removed from the service without complying with certain formalities and there is no provision in I.D. Act that a workman completing 190/240 days of attendance in a year has to be made permanent employee. The criteria for making a workman permanent is something different from the days of attendance as being claimed by the workmen. As it has come in the evidence of the management, it will appear that there are certain number of posts which are permanent and those numbers are not generally increased. If, however, the management requires the work of higher category they engage workmen of the lower category temporarily to do the work for which difference of wages are paid and thereafter the workmen are again sent back to their substantive category or post. It has been stated by MW-2 that when occasions arise they are promoting and regularising the workmen of lower category engaged to work in the higher category when vacancies in the permanent higher category exists. MW-1 has stated that 3 of the concerned workmen have already been promoted in the higher category and that the other concerned workmen also will be considered to be promoted/regularised in the higher category when vacancies occur in the higher category. It is a fact that in case of promotion cases of all eligible workmen are considered and a workman who is employed to work temporarily in the higher category cannot automatically be promoted to the higher category unless the matter is considered along with the other workmen of the lower category. In my opinion there is nothing on the record to show that the concerned workmen are entitled to be promoted or regularised in the higher category to which they have sometimes been employed to work by the management on the ground that they have worked for more than 190 days in a year.

In the result, I hold that the demand of Rashtriva Colliery Mazdoor Sangh that the management of 67 Pits Jamadaha Colliery of M/s. Tisco. Ltd should give proper designation in higher category to the concerned workmen in accordance with the jobs actually performed by them is not justified and accordingly the concerned workmen are entitled to no relief. This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(95)]86-D.III.A[IV.A]

नई दिल्ली, 17 नवम्बर, 1988

का. मा. 3528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल माइन प्लानिंग एंड डिजाइन इंस्टीट्यूट, रांची के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-88 को प्राप्त हुआ था।

New Delhi, the 17th November, 1988

SO. 3528.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Central Mine Planning & Design Institute, Ranchi and their workmen, which was received by the Central Government on the 1-11-88.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
REFERENCE NO. 57 OF 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Central Mine Planning & Design Institute Limited, Ranchi and their workmen.

APPEARANCES :

On behalf of the workmen :—Shri J. P. Singh. Advocate.

On behalf of the employers :—Shri B. Joshi. Advocate.

STATE:—Bihar.

INDUSTRY:—Coal.

Dated, Dhanbad, the 19th October, 1988

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-24012[99]86-D.IV(B) dated, the 12th January, 1987.

SCHEDULE

“Whether the action of the Management of M/s. Central Mine Planning and Design Institute Limited, Ranchi in ordering on 25-2-1984 reversion of Shri Tribeni Prasad from the post of Assistant Rig-

man to the post of Drill Helper w.e.f. 20-2-1984 and fixing his seniority at the bottom of Drill Helper warning him for recurrence of misconduct in future and not paying him anything more than subsistence allowance during the period of his suspension is legal and justified? If not, to what relief the concerned workman is entitled?"

The case of the workman is that the concerned workman Shri Tribeni Prasad was working as Asstt. Riggerman in exploration camp of Central Mine Planning and Research Institute Limited (hereinafter referred to as CMPDIL for brevity). On 5-12-83 he was attached to the exploration camp at Banki, P. O. Banki-Mongra, District Bilaspur (MP) under the Officer Incharge of the camp. On 5-12-83 a chargesheet was issued against the concerned workman alleging that on 20-11-83 at about 12-30 P.M. he had mis-behaved and uttered offensive language against his officer-in-charge. It was also alleged that previous to that he was absent from duty without any leave application from 10-11-83 and returned on 4-12-83. The concerned workman is alleged to have physically assaulted the Officer-in-charge of camp near his office on 23-11-83 at 9.00 A.M. Accordingly the concerned workman was charged clause 17(j)(r)(f), 17(j)(k), 17(i)(d), 17(i)(g), 17(i)(c) and 17(i)(t). The concerned workman was asked to explain as to why disciplinary action should not be taken against him and pending enquiry he was placed under suspension. The concerned workman received copy of the chargesheet on 3-1-84. He had no occasion to reply to the chargesheet because at the intervention of other workers namely Ram Bilash, Shobha Nath, Fagu, Chandra Jeet Jha, Rama Shankar, A. Mukherjee and others, there was a discussion with Shri M. G. Dey Officer-in-charge of the camp for amicable settlement. Consequently settlement was arrived at and it was signed by Shri M. G. Dey and the concerned workman. In terms of the settlement the concerned workman tendered un-conditional apology as an admission of guilt. The management mutual settlement and treated his unconditional apology as an admission of guilt. The management did not however institute any departmental proceeding. The management of CMPDIL, under the signature of the Regional Director issued office order dated 13/25-2-84 without following the procedure of domestic enquiry and demoted the concerned workman to the lower post of Cat II Drill Helper (daily rated) with effect from 20-2-84, changed the date of increment to fall due after one year and he was further warned against indulgence in any misconduct and repetition in future was to be seriously viewed by the management. After the said order of demotion from the post of Asstt. Riggerman to the lower post of drill helper the concerned workman was transferred and was forced to join there. Subsequently an industrial dispute was raised by the Coalfield Labour Union, Hazaribagh before the AIC(C) and on failure of the conciliation proceedings the present reference was made to this Tribunal for adjudication.

The case of the workman further is that it was not true that the concerned workman had admitted all the allegations made against him in the chargesheet. The concerned workman did not offer any explanation to the allegation made in the chargesheet before the Enquiry Officer in view of the settlement which had taken place prior to the receipt of the chargesheet by him. The concerned workman was given to understand by the Officer-in-charge of the camp that the matter involved in the chargesheet was dropped in view of the settlement of the dispute. The concerned workman has thereafter been illegally trapped by the management in accepting the guilt which was merely a follow up action of the settlement. The order of the demotion of the concerned workman to an inferior post without giving him any proper opportunity for explanation in the domestic enquiry was not proper and as such it cannot be upheld by any Court. The action of the management is a clear instance of vindictiveness and unfair labour practice. On the above facts it has been prayed that the order of demotion of the concerned workman as contained in office order dated 18/25-2-84 be set aside and that he should be reinstated to the original post of Asstt. Riggerman with effect from the date of the order and that he should be paid the difference of wages and other emoluments admissible to him.

The case of the management is that the concerned workman was previously employed as an Asstt. Riggerman in the drilling camp of CMPDIL at Banki. During 1983 and 1984 Shri M. G. Dey was the officer-in-charge of the said drilling camp and he was holding the post of Sr Geologist and was competent to initiate disciplinary action against the workers employed in the said drilling camp. Drilling camps of management fall within the definition of "Mines" as defined in Section 2(i) of the Mines Act, 1952. The officer-in-charge of the drilling camp is the head of the said camp and consequently he is also the Agent under the Mines Act. Certain acts of misconduct alleged to have been committed by the concerned workman came to the notice of the Officer-in-charge of the Banki drilling camp and as such the concerned workman came to the notice of the Officer dated 5-12-83 and was placed under suspension from that date. The concerned workman did not submit any explanation to the chargesheet issued to him. There was a discussion between the Officer-in-charge Banki drilling camp and the concerned workman and some other workers and during the course of the said discussion the concerned workman agreed to tender a written apology for the acts of misconduct alleged against him but the concerned workman failed to tender a written apology. Thereafter the case was submitted to the Regional Director, Regional Institute Nagpur who ordered a detailed enquiry into the charges framed against the concerned workman and appointed Shri S. K. Sinha, Dy. Superintendent Geologist at the Enquiry Officer. The enquiry officer after due notice to the concerned workman started enquiry. He held the sitting on 3-1-84 on which date the concerned workman had admitted his guilt and apologised. Thereafter the enquiry officer submitted his enquiry report on 13-1-84 holding the concerned workman guilty of the charges levelled against him. On receipt of the said enquiry report the Regional Director who is the disciplinary

authority of the concerned workman accepted the finding of the enquiry officer and issued an order dated 18/25-2-84 reverting the concerned workman to the post of Drill helper in Cat. II and also warned the concerned workman that if he indulged in any misconduct in future serious view will be taken against him by the management. The management also directed that the concerned workman should be paid only subsistence allowance for the period of suspension. It has been submitted on behalf of the management under the relevant standing orders a workman who is suspended pending enquiry into the charges framed against him and the workman is ultimately found guilty of the charges, he will not be entitled to anything more than the subsistence allowance. According to the management the misconduct committed by the concerned workman was so grave that the management could have been justified in dismissing him from service but the management took a lenient view in passing a lesser punishment in order to give the concerned workman a chance to reform himself. On the above facts it is submitted on behalf of the management that the action taken by the management against the concerned workman was justified. A workman reverted is placed at the bottom of the seniority list of the workers in the post to which the concerned workman is reverted so that the seniority of the other workers is not adversely affected and in this view of the matter the action of the management in placing the concerned workman at the bottom of the seniority list of Drill Helper is also justified. It is submitted that the concerned workman is entitled to no relief.

The preliminary issue whether the enquiry proceeding conducted in to the charges against the concerned workman was fair proper and in accordance with the principles of natural justice was decided by the order dated 23-6-88. Shri J. P. Singh, Advocate appearing on behalf of the workmen waived his objection regarding the fairness and propriety of the domestic enquiry and did not press the point after the management had already examined the enquiry officer and had produced all the relevant documents in connection with the domestic enquiry. Accordingly it was held that the domestic enquiry held against the concerned workman into the charges levelled against him was fair, proper and in accordance with the principles of natural justice.

Now the point for decision is whether the punishment of reversion, fixing of the seniority of the concerned workman at the bottom of the Drill helpers, warning him for recurrence of misconduct in future and not paying him anything more than subsistence allowance during the period of his suspension is justified.

The management has produced all the documents relating to the enquiry proceeding which have been marked Ext. M-1 to M-49. Documents of the workmen have been marked as Ext. W-1 to W-7.

Admittedly no evidence of any witnesses was recorded by the enquiry officer in the enquiry proceeding. Ext. M-44 is the enquiry report dated 13-1-84 submitted by the Enquiry Officer Shri S. K. Singte.

It is stated at page 9 of the enquiry report Ext. M-44 that on 28-12-83 the officer-in-charge of Banki camp and Shri Tribeni Prasad (concerned workman) had a compromise which are enclosures 37 and 38

to the enquiry proceeding and they had jointly appealed to the ALC(C) Bilaspur with a request to close the issue. The enquiry officer has further stated in the next paragraph at page 9 that the concerned workman was asked by him as to whether the concerned workman accepted the charges levelled in the chargesheet and thereafter the concerned workman accepted all the charges and submitted that he had nothing to offer against the evidence given by the Officer-in-charge Banki. He also assured that he will not repeat such instance in future and begged for apology and forgiveness. Ext. W-6 dated 28-12-83 is the note of the discussion between the officer-in-charge C.P.M.D.I camp Banki and the concerned workman Tribeni Prasad and other workmen dated 28-12-83. This has been filed by the workmen to show that after the discussion they agreed that the concerned workman would submit a written apology for the alleged acts of his misbehaviour with Shri M.G. Dey Officer-in-charge, C.P.M.D.I Banki and that on tendering the apology the Officer-in-charge Shri M. G. Dey would excuse the concerned workman and would take steps to withdraw all the allegations made by him against the concerned workman. It was also agreed that the concerned workman will not misbehave in future with any officer or workman of CMPDI and that his conduct will be disciplined and that if any misconduct is repeated in future, the concerned workman will not be entitled to be excused by the officer of C.M.P.D.I. They have also agreed how to adjust the absence of the concerned workman in the said agreement on the terms and condition stated in Ext. W-6. The parties agreed that all the disputes and difference between the concerned workman and Shri M. G. Dey was settled. It is in reference to Ext. W-6 which is mentioned in the enquiry report Ext. M-44 by the enquiry officer. It is not disputed by the management that no agreement had been arrived at by the concerned workman and the Officer-in-charge Shri M. G. Dey on 28-12-83 settling their difference for ever. It will appear from the enquiry report that at the time of enquiry all the papers were handed over to the concerned workman and the same was read and their contents were translated in Hindi to the concerned workman and his co-worker Shri Fagu and thereafter the concerned workman was asked as to whether he accepted all the charges levelled against him in the chargesheet and thereafter the concerned workman accepted all the charges and did not adduce any evidence. In the enquiry report itself it has been submitted by the Enquiry Officer that the concerned workman assured before him that he will not repeat such instance in future and begged for apology and forgiveness. The enquiry officer has stated that the statement of the concerned workman has been enclosed as enclosure No. 39 of the enquiry proceeding. The said enclosure 39 has been marked Ext. M-42 by the Tribunal. It is statement of the concerned workman before the Enquiry Officer on 3-1-84. Only after 6 days of the settlement Ext. W-6. In Ext. M-42 (enclosure 39) the concerned workman has stated that he discussed the matter with his colleague and decided to ask for apology instead of stretching the issue further which may be harmful to him and therefore on 28-12-83 the matter was told to Officer-in-charge of Banki camp with a request to him to close the matter whereupon the Officer-in-charge told him that unless he replies to the chargesheet given to him the matter cannot be

closed. The concerned workman has further stated that as desired by the officer-in-charge of the camp he was submitting his written apology with the officer-in-charge on 28-12-83 and that he was again submitting before the enquiry officer on 3-1-1984 that he has understood the charges mentioned in the chargesheet and accepts the same and begs for apology for the deeds which he has done and requested the management to forgive him. It is clear therefore that this statement Ext. M-42 of the concerned workman is not any reply to the charges read and explained over by the enquiry officer to the concerned workman and that it was in response to the desire of the officer-in-charge that he had given in writing about the acceptance of the charges and his written apology for the same. There is nothing on the record to show that the enquiry officer had specifically explained the charges to the concerned workman and wanted from the concerned workman whether he was accepting the charges or not. There ought to have been a note in the proceeding of the enquiry officer to that effect but we do not find any note to that effect in the enquiry proceeding except which is stated in the enquiry report itself. The fact that the concerned workman had accepted the specific charges levelled against him should have been specifically asked in separate questions and the answers of the concerned workman should also have been noted in his own words as far as practicable. It appears that in fact the management have robed him with his earlier acceptance of the guilt on 28-12-83 in Ext. W-6 and have tried to use it to show that the concerned workman had accepted the specific charges before the management. It may be justified for the management not to take further evidence of the management if a charge levelled against a workman is accepted by him in the enquiry before the enquiry officer but to show that the concerned workman has accepted the charges it must be shown by the enquiry proceeding itself as to what were the specific charges which were explained over to the concerned workman and as to what was the specific acceptance of the charge by the concerned workman. Unless the same has been done it would be rather vague to say in a general term that the concerned workman had accepted all the charges before the enquiry officer without noting the said specific charges and the reply of the workman in the enquiry proceeding with the signature of the workman on the said reply of acceptance so as to bind down the workman for ever. We do not have any such materials before us to show as to what specific charges were explained over to the concerned workman by the enquiry officer and what were the specific acceptance regarding the charges explained over to him. In the above view of the matter I hold that the charges levelled against the concerned workman cannot be said to have been established against him and any punishment based on such allegation of acceptance of charge cannot be sustained.

It is apparent that the concerned workman and Shri M. G. Dey Officer Incharge, CMP DI, Banki had settled the matter of the dispute and difference on 28-12-83 and both of them had signed on the said note of agreement Ext. W-6. Shri M. G. Dey was the officer incharge of Banki camp who had issued the chargesheet and he was the actual person who had the grievance against the concerned workman. When the workman and Shri Dey had settled the matter in writing and they had resolved all other differences it is not at all in the interest of the indus-

trial peace that the matter should have been unnecessarily dragged on by the higher management and to punish the concerned workman, on the plea that the charges had been accepted by the concerned workman before the Enquiry Officer. Under the circumstances the management ought to have been generous to the concerned workman when the officer-in-charge of the camp himself had settled the matter and the concerned workman had begged apology from him in terms of the settlement arrived in Ext. W-6.

Considering the facts and circumstances of the case I hold that the charges levelled against the concerned workman had not been established against him in the enquiry and in this view of the matter when the concerned workman and the Officer-in-charge of the camp had settled their dispute and differences, the management should not have proceeded in the enquiry proceeding to pass the order of punishment included in the office order Ext. M-45 dated 18/25-2-84.

In the result, I hold that the action of the management of M/s. CMPD, IL, Ranchi in ordering reversion of the concerned workman Shri Tribeni Prasad from the post of Asstt. Rigman to the post of Drill Helper with effect from 20-2-84, fixing his seniority at the bottom of drill helper, warning him from recurrence of misconduct in future and not paying him anything more than the subsistence allowance during the period of his suspension is not justified. Accordingly the management is directed to set aside the order of reversion of the concerned workman to the post of Drill Helper and to reinstate him to the post of Asstt. Rigman with effect from 20-2-84 and his seniority should be fixed in the post of Asstt. Rigman at his original position. As it has been held that the charge against the concerned workman has not been established the order of warning is also set aside and he should be paid his full emoluments from the date of his suspension. So far his leave matters are concerned the same may be adjusted according to Ext. W-6 and others rules of leave in force.

The award is passed accordingly.

I. N. SINHA, Presiding Officer

[No. L-24012/99/86-D.III(A)IVA]

का. मा. 3529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसूर भारत कोकिंग कोल लि. का लोयाबाद कोलियरी हस्पताल के प्रबंधन से संबद्ध निगमों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-88 को प्राप्त हुआ था।

S.O. 3529.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dharbad, as shown in the Annexure in the industrial dispute between the employers in relation to the Loyabad Colliery Hospital of M/s. Bharat Coking

Coal limited and their workmen, which was received by the Central Government on the 31-10-88.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 22) AT DHANBAD

Reference No. 237 of 1986.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Loyabad Colliery Hospital of Bharat Coking Coal Limited and their workmen

APPEARANCES :

On behalf of the workmen : Shri J. P. Singh, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dated, Dhanbad, the 21st October, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(38)/86-D.III(A), dated, the 4th July, 1986.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Loyabad Colliery Hospital of Bharat Coking Coal Limited should refer their workmen, Shri A. C. Sen, Store Keeper, to Medical Board for assessment of his age, is justified? If so, to what relief is the said workman entitled?"

The case of the workmen is that the concerned workman Shri A. C. Sen was first appointed in 1950 in Loyabad colliery when the management of the colliery was under the private owner. The private owner maintained the statutory register in Form B under the Mines Act, 1952, but there was much carelessness in filling up the Register Form B. The colliery Assistants used to fill up the date of birth in Form B Register arbitrarily without any knowledge of the workman concerned. Even in the case of the concerned workman although he was born in 1930 the clerks of the management recorded his age in Form B Register as 1926. The concerned workman did not care about the said wrong entry of his age during the private time of the owner of the colliery as the private owners of the colliery used to rectify any wrong entry by the colliery Assistants at any time before superannuation. After nationalisation and take over of the colliery the system of identity card for each workman was introduced and the date of birth as mentioned in Form B Register used to be entered in the identity card register and also in the identity card issued to the workman. Some stringent regulations were issued

by M/s. BCCL under which it became an uphill task for any workman to get his date of birth rectified. The concerned workman orally approached the management several times to rectify his age in the records of the management but the management always put it off. However, at a later stage the management suggested the concerned workman to file representation for correction of his age and for this purpose the concerned workman filed several representations. In order to satisfy the officers of the management the concerned workman produced a copy of his horoscope prepared at the time of his birth in confirmation of his birth in 1930. The management did not accept the said age included in the horoscope. The medical Superintendent recommended for examination of the concerned workman by the medical board for the determination of his age but no medical board was constituted for the said purpose. The concerned workman through his union represented the management to rectify his age or to get his age determined by duly constituted medical Board but the management did not reply and thereafter an industrial dispute was raised resulting in the present reference. The action of the management denying the facility to the concerned workman to determine his age through a medical board is an instance of unfair labour practice which should not be allowed. On the above facts it is prayed that the management should be asked to constitute a medical board for determining the age of the concerned workman and in case the medical boards finds that the year of birth of the concerned workman is 1930, the order of superannuation passed by the management should be deemed to be set aside and the concerned workman be reinstated with continuity of service, back wages and other emoluments admissible to him.

The case of the management is that the concerned workman is an educated person and at the time of his employment he had put his signature in his own pen in Form B Register of the colliery. As per Form B Register and other statutory records the date of birth of the concerned workman was recorded as 6-7-1926 and he accepted the same by putting his signature thereon and did not make any protest. Under para (iv)(b) of clause 18 of the Model Standing orders, which came into force with effect from 17-1-83, the date of birth once recorded in the record of the colliery is a sole evidence of the age of a workman and cannot be questioned after decades of his appointment. The concerned workman being educated was throughout conscious of his age and now he cannot be allowed to change his date of birth at the time of his superannuation at his whim and the same would amount to interference in the terms of contract of service. The concerned workman had represented a particular date as his date of birth at the time of his employment and now it would not be open for him later on to assert that the date of his birth had been incorrectly recorded and should be correctly assessed at this late age of 60 years. The concerned workman is bound by his earlier assertion and declaration of age. The demand of the workmen to refer the concerned workman to the medical board for assessment of his age is not justified. The date of birth of the concerned workman as recorded in Form B Register as 1926 is correct. Even after the issuance of the identity card, to the

concerned workman, no objection was raised regarding his date of birth entered in the identity card soon after it was handed over to him. In view of the fact that the date of birth of the concerned workman was correctly recorded, his request for sending him to the medical board was not considered. A horoscope can be prepared any time to suit the convenience of a person and such horoscope cannot be relied upon in proof of age. On the above facts it is submitted on behalf of the management that the demand of the union is not justified and the concerned workman is not entitled to any relief.

The only point for decision in this case is whether the concerned workman should be referred to the Medical Board for assessment of his age.

The workmen and the management have each examined one witness in support of their respective case. The documents produced on behalf of the workmen have been marked Ext. W-1 to W-6 and the documents of the management have been marked Ext. M-1 and M-2.

The workmen have filed Form A which is submitted to the C.M.P.F. under the signature of the concerned workman for being member of the P.F. The concerned workman WW-1 has stated in his evidence that he has filed Form A showing the date of his birth. He has further stated that his date of birth in Form A is not consistent with the date of his birth recorded in Form B Register. The date of birth of the concerned workman is recorded as 16-7-1927 in Form A Ext. W-1. In cross-examination the concerned workman WW-1 has stated that he does not remember but he might have signed the Form B Register which was prepared at the time of his appointment. He has further stated that at Sl. No. 77987 there is the entry of his name in Form B Register Ext. M-2 and it bears his signature. He has further stated that he had not made any complaint about the wrong entry of the date of his birth in Form B Register prior to his objection which he had raised after receipt of the identity card as he did not know about the date of his birth entered in Form B Register. Ext. M-2 is the photo copy of Form B Register which shows that 6-7-26 was shown the date of birth of the concerned workman. Ext. M-1 is the photo copy of the identity card register which has been recorded on the basis of Ext. M-2 and shows the date of birth of the concerned workman as 6-7-26. Thus it appears with reference to Ext. W-1 and Ext. M-2 that the date of birth of the concerned workman do not tally. In C.M.P.F. Form A Ext. W-1 the date of birth of the concerned workman is shown as 16-7-1927 whereas in the statutory Register Form B the date of birth of the concerned workman is mentioned as 6-7-1926. Thus there appears to be variance in the date of birth of the concerned workman in the statutory registers Ext. W-1 and Ext. M-2. According to the JBCCI circular it is provided that when there is variation in the date of birth/age of a workman in the different statutory registers, the workman concerned should be sent to the medical board for determination of his age. Although the difference is of one year the records do show that the entry of the age of birth of the concerned workman in the statutory registers

of the management are at variance and as such it is a fit case in which the concerned workman should be referred to the medical board for determination of his age.

Ext. W-3 dated 16-1-85 is by the Superintendent of Loyabad colliery to the Area Medical Superintendent Sijua Area in which a recommendation was made for referring the concerned workman to the medical board for assessment of his age. Ext. W-4 dated 27-2-85 and Ext. W-5 dated 2-5-85 are also to the same effect. Thus it appears that even the officers of the management also had recommended for the determination of the age of the concerned workman by a medical board. The concerned workman has filed his horoscope which had never been earlier filed before the management. The person who had prepared the horoscope has not been examined. It is not very difficult to procure such horoscope by stating falsely the date of birth and hence such documents cannot be given any credence. But, however, as discussed above it will appear that as there was variance in the date of birth of the concerned workman in the statutory registers, I hold that it is a fit case in which the concerned workman should be referred to the medical board for determination of his age.

In the result, I hold that the demand of Rashtriya Colliery Mazdoor Sangh that the management of Loyabad colliery hospital of BCCL should refer the concerned workman Shri A. C. Sen ex-Store keeper to medical board for assessment of his age is justified. The management is directed to constitute a medical board within one month from the date of publication of the Award and get the concerned workman examined by the medical board for the determination of his age after giving notice to the concerned workman. The assessment of age of the concerned workman by the medical board will be binding on both the parties and the management will reinstate the concerned workman if the medical board determines his age which is later than 6-7-26 and will continue the concerned workman in service so long he does not complete the age of 60 years as assessed by the Medical Board.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/38/86-D.IIIA/D. IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 11 नवम्बर, 1988

का. घा. 3530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ कोचीन लिमिटेड कोचीन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मद्रास के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 1 नवम्बर, 1988 को प्राप्त हुआ था।

New Delhi, the 11th November, 1988

S.O. 3530.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Cochin Limited, Cochin and their workmen, which was received by the Central Government on the 1st November, 1988.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 19th day of August, 1988

INDUSTRIAL DISPUTE NO. 90/1985

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Bank of Cochin Limited, Cochin).

BETWEEN :

Thiru B. Mohandas,
Paranthiyil House, Kurumandal,
Paraveer, P.O. Quilon, District-691 201.

AND

1. The Chairman,
Bank of Cochin Limited, Head Office,
Shanmugham Road, Cochin-682 031.
2. The General Manager,
State Bank of India, L.H.C. Circle Top,
21, Rajaji Salai, Madras-1.
(Impleaded as per order in Misc. Appln.
No.15/86, dated 22-8-1986).

REFERENCE :

Order No. L-12012/57/84-D. IV(A), dated 18-12-1985 of the Ministry of Labour, Government of India, New Delhi.

This dispute after restoration coming on for final hearing on Friday, the 12th day of August, 1988 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallargal M. Ramachandran and P. V. Abraham, Advocates appearing for the workmen and of Thiruvallargal T. S. Gopalan, P. Ibrahim Kalifulla, S. Ravindran and N. C. Srinivasaradan Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

in

I. D. No. 90 of 1985

This dispute between the workmen and the Management of Bank of Cochin Limited, Cochin arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, in its Order No. L-12012/57/84-D. IV(A), dated 18-12-1985 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the management of Bank of Cochin in terminating the services of Shri B. Mohandas, Clerk in their Nagercoil

Branch with effect from 3-4-1984 is justified? If not, to what relief is the workman concerned is entitled?"

2. The Petitioner—Workman Thiru B. Mohandas in his Claim statement states that he was a clerk in the Bangalore Branch of the Bank of Cochin from 1-10-1980. Later on he was confirmed in service on 15-9-1982. Subsequently, he was transferred to Nagercoil from Bangalore and to his surprise he was issued with a memo on 14-12-1983 alleging that he committed a gross misconduct by giving a false date of birth in his application as 28-4-1953 instead of 28-4-1950. He submitted an explanation stating that he had come to know the mistake but for various reasons it could not be brought to the knowledge of the Bank. Subsequently, an enquiry was held violating the Principles of natural justice. No witnesses were examined in his presence and he has not given any evidence and signed the records as suggested to him. The Bank was not justified in dismissing him from service as there was no stipulation of age for appointment to the clerical cadre. The workman gave the correct date of birth in his first application and wrong date of birth in his second application which was due to oversight. The service rules were violated by the Bank as the capital punishment has been meted out to him forgetting the principles and his antecedents. The order of dismissal should be declared as unjustified.

3. The Management—Bank in their counter statement stated that the Petitioner—Workman applied to the post of a Clerk in the bank on 15-10-1979 showing his date of birth as 28-4-1983. He also produced an attested copy of the third page of his S.S.L.C. Book showing the same date of birth. In 1983, a doubt arose about his date of birth. He was asked to produce his original S.S.L.C. Book which shows the date of birth as 28-4-1950. Then a charge memo was issued to the Petitioner charging with the misconduct for giving wrong declaration about his age. He gave an explanation admitting the date of birth was only 28-4-1950 but maintained that he had no intention of cheating the Bank. A domestic enquiry was held and since he was found guilty, a Second Show Cause Notice was issued proposing the punishment and final orders were passed dismissing the services of the Petitioner since he did not appear for enquiry. The domestic enquiry was conducted in conformity with the Principles of natural justice. The Respondent-Bank denies the allegation that no witness was examined and the order of dismissal was not made in compliance with the rules and regulations of the Bank.

4. The point for consideration is whether the action of the Management of Bank of Cochin in terminating the services of Thiru B. Mohandas, Clerk in their Nagercoil Branch with effect from 3-4-1984 is justified? If not, to what relief is the workman concerned is entitled.

5. The Petitioner—workman has not filed any documents whereas the Management filed 20 documents and were marked as Exs. M-1 to M-20 by consent.

6. Before going into the merits of the case, it is to be found that there is no defect or irregularity in the domestic enquiry since the learned counsel for the Petitioner—workman did not challenge the same. It is unnecessary to go into detail the various documents

filed by the Management since facts in this case are not disputed. The Petitioner—Workman in the two explanations Exs. M-12 and M-8 though would admit the correct date of birth as 28-4-1950 and not 28-4-1953 he would explain the circumstances under which the date of birth came to be corrected. In Ex. M-2 he would state that he suspected some foul play in the department and in Ex. M-8 also he had stated while sending the attested copy of 3rd page of S.S.L.C. Book namely Ex. M-19 he did not give a wrong date of birth and that he gave only a correct date of birth, namely, 28-4-1950. According to him, the correction in the attested copy Ex. M-19 was done only by the then Personnel Officer. Nothing has been suggested against the Officer as to why he should make necessary correction and thereby he would not gain anything. It would only appear and as rightly pointed out by the learned counsel for the Management—Bank that he being over aged he had to secure appointment in the Bank. Hence the date of birth was given as 28-4-1953 in Ex. M-19. A close scrutiny of Ex. M-19 would show that the original year is 1950 and that '0' (zero) has been altered to '3' so that the date of birth can be 28-4-1953. The workman has not let in any rebuttal evidence and it is clear on his own explanation that knowing fully he corrected date of birth by giving wrong date of birth to secure appointment. This can only amount to a grave misconduct, for which the Management cannot take any other action except dismissal. Hence the Management is justified in terminating the services of the Petitioner—Workman.

7. In view of the above finding, the Petitioner is not entitled to any other relief. An award is passed accordingly.

Dated, this 19th day of August, 1988.

THIRU K. NATARAJAN, Industrial Tribunal
[No. L-12012/57/84-D. IV(A)] III A]

का. आ. 3531.—औद्योगिक विवाद अधिनियम, 4719 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ कोचीन लिमिटेड कोचीन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1 नवम्बर, 1988 को प्राप्त हुआ था।

S.O. 3531.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Cochin Limited Cochin and their workman which was received by the Central Government on the 1st November, 1988.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Industrial Dispute No. 87/1985

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Bank of Cochin Limited, Cochin).

BETWEEN

Thirumathi M. Jayalakshmi Amma,
Ajantha, T.B. Junction, Attingal,
Trivandrum District. (Kerala).

and

1. The Chairman,
Bank of Cochin Limited, Head Office,
Shanmugham Road, Cochin-682031.
2. The General Manager,
State Bank of India, L.H.O. Circle Top,
21, Rajaji Salai, Madras-1.
(Impleaded as per order in Misc. Appln.
No. 16/86, dated 22-8-1986).

Reference : Order No. L-12012/58/84-D.IV(A),
dated 11-12-1985 of the Ministry of
Labour, Government of India, New Delhi.

This dispute after restoration coming on for final hearing on Friday, the 12th day of August, 1988 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallargal M. Ramachandran and P. V. Abraham, Advocates appearing for the workman and of Thiruvallargal T. S. Gopalan, P. Ibrahim Kalifulla, S. Ravindran and N. C. Srinivasavaradan, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

in

I. D. No. 87 of 1985

This dispute between the workman and the Management of Bank of Cochin Limited, Cochin arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12012/58/84-D.IV.A, dated 11-12-1985 of the Ministry of Labour for adjudication of the following issue :

“Whether the action of the management of Bank of Cochin in terminating the services of Smt. M. Jayalakshmi Amma, Typist in their Trivandrum Branch w.e.f. 4-1-1984 is justified? If not, to what relief is the workman concerned entitled?”

(2) The workman Thirumathi M. Jayalakshmi Amma filed a claim statement stating that she was appointed as a temporary typist clerk on 4-4-1979 and also confirmed in service. The workman also exceeded the targets as a condition of confirmation. While so a charge sheet had been issued to her on 23-9-1983 alleging that the date of birth noted in her application form was 30-11-1953 whereas the correct date of birth was 30-11-1950. In her explanation she had stated that there was no deliberate intention and the date of birth might have been a mistake and that she had no hand at all. A domestic enquiry which confirmed the misconduct on the part of the workman was proved. On the basis of the findings a show cause notice was issued to her and the workman was dismissed later. The dismissal by the Management was not justified and the order has to be set aside. The enquiry held was in violation of principles of natural justice. She was not permitted to avail the help of a qualified person and the service code did

not contain any stipulation as the upper age limit within which along a person could secure appointment. In the absence of any finding of the Enquiry Officer that she had effected corrections in the attested copy, there was nothing wrong in accepting her case that the entry in the application form was by a mistake. When the mistake was found out, instead of treating as a misconduct, the Management ought to have corrected the date and thus prevented her from getting any advantages from an altered date of birth. The approach of the Bank in this regard was irregular and not in conformity with the rules. The findings of the Enquiry Officer are one sided and biased.

(3) The Management in their counter stated that the Petitioner workman applied to the Chairman of the Bank of Cochin on 12-2-1979 for the post of Typist Clerk, stating her age as 29 years. While so on 17-9-1979 she submitted a printed application form of the Bank for employment where she had shown the date of birth as 30-11-1953. Subsequently in September, 1983, the Petitioner's testimonials and the certificates in her personal file were look into. In the attested copy of page 3 of her SSLC book it reveals that the date of birth was altered and therefore the Petitioner was asked to produce the original SSLC book. It contains the date of birth only as 30-11-1950 and not as 30-11-1953. A charge sheet was issued to the Petitioner for charging of misconduct for making a false declaration regarding her age. After her explanation an enquiry was held by the Joint Legal Advisor of the Bank of Cochin, as the Enquiry Officer. The Enquiry Officer gave his findings holding that the Petitioner was guilty for furnishing wrong information to the Bank in the application and the misconduct has been proved. A Second Show Cause Notice was issued to the Petitioner proposing the punishment of dismissal and finally an order of dismissal was passed with effect from 4-1-1984 which is valid. The charges were based only on documentary evidence and she did not offer any evidence to prove her case by declaring date of birth as 30-11-1953, she wanted to gain 3 more years of service. Hence she cannot say that it should not amount to misconduct. The reasons said to have been made by the Board of Directors of the Bank on the Petitioner's employment in February 1985 is not bonafide and is not binding on the State Bank of India. There is no merit in the claim of the Petitioner.

(4) The Petitioner-workman has not filed any documents whereas the Management filed 18 documents and marked as Ex. M-1 to M-18 by consent.

(5) The point for determination is whether the action of the Management of Bank of Cochin in terminating the services of the Petitioner-workman is justified? if not what relief the workman is entitled to.

(6) The learned counsel for the Petitioner-workman did not question the enquiry though raised various grounds attacking the enquiry as invalid. Ex. M1 is the application for the post of Typist Clerk submitted by the Petitioner on 12-2-1979 stating that she was aged 28 years and that she should have been given a Typist Clerk. Ex. M-2, the order dated 5-6-1980 confirming the service of the Petitioner. While so the case of the Management is that some time in 1983 on verification of the testimonials and certificates in her personal file they found the date of birth of the Petitioner-workman in the application as

well as in the attested copy of the 3rd page of the SSLC book Ex. M-17 was shown as 30-11-1953. The genuineness of the age since suspected the workman was asked to produce the S.S.L.C. book for verification and it was found that the date of birth was found as 30-11-1950. These facts are not disputed by the workman. But in the explanation Ex. M-4 for the memo issued under Ex. M-3 she would state that her original certificate was with her mother at Attingal and it is only her mother got the copy of the SSLC typewritten and sent to her and that discrepancy regarding date of birth happened in the copy of the S.S.L.C. Book and no manipulation has been done in the original S.S.L.C. Book. At this stage, it is significant to note that Ex. M-17, the attested copy of the S.S.L.C. Certificate shows a correction has been made in column (6) as against the date of birth. In the year 1950, '3' has been typewritten, which can be seen even for naked eye. In any way, the fact remains that the workman did not deny the correction in Ex. M-17, whereas in S.S.L.C. Book, the date of her birth is shown as 30-11-1950. At this stage, it is relevant to note that the Management has rightly came to a correct conclusion that the Petitioner has given the age as 28 years in Ex. M-1 on 12-2-1979 and since she realised that she was over-aged and therefore to get over the same and manoeuvred to correct the date of birth in the attested copy of the S.S.L.C. Book Ex. M-17. Incidentally, Ex. M-17 has been attested by an Assistant Executive Engineer (Electrical Sub Division), Attingal. The correction in the date of birth should have been taken place only after the attestation of the Officer concerned. It has been clearly manifested by the Management that in order to secure her appointment, the Petitioner has chosen to correct the date of birth in Ex. M-17 since she having given the age as 28 years in Ex. M-1 application.

(7) The learned counsel for the Petitioner-workman having not questioned the enquiry and having conceded the fact that the age has been corrected as 30-11-1953, it cannot be contended by any stretch of imagination that it is a mistake that crept in while taking copy from the S.S.L.C. Book by her mother and therefore the workman should be exonerated and be reinstated. It is not the case of the workman that the wrong date of birth has been shown by her inadvertently and therefore no action should have been taken against her. The circumstances under which Ex. M-1 application was filed and the date of birth was corrected in Ex. M-17 would lead to the irresistible conclusion that it is a grave misconduct for which no other punishment except dismissal can be imposed. There is no extenuating circumstances pointed out in this case so as to consider even in spite of the grave misconduct, a leniency can be shown.

(8) Hence this point is found against the workman. The Management is justified in terminating the services of the Petitioner-workman Thirumathi M. Jayalakshmi Amma. She is not entitled to any other relief. An award is passed accordingly.

Dated, this 19th day of August, 1988.

WITNESSES EXAMINED

For workman

W.W.1—Thirumathi M. Jayalakshmi Amma.
For Management : None.

DOCUMENTS MARKED

For workman : Nil.

For Management :

Ex. M-1|12-2-79—Application for the post of Typist Clerk submitted by the Petitioner-workman. (copy).

Ex. M-2|5-6-80—Order of confirmation issued to the workman. (copy).

Ex. M-3|23-9-83—Charge sheet issued to the workman. (copy).

Ex. M-4|27-9-83—Reply by the workman to Ex. M-3. (copy).

Ex. M-5|10-10-83—Memo issued to the workman. (copy).

Ex. M-6|11-10-83—Enquiry notice issued to the workman. (copy).

Ex. M-7 — — Enquiry Proceedings. (copy).

Ex. M-8 — — Findings of the Enquiry Officer. (copy).

Ex. M-9|30-11-83—Second show cause notice issued to the workman. (copy).

Ex. M-10|13-12-83—Reply by the workman to Ex. M-9 (copy).

Ex. M-11|4-1-84—Order of dismissal issued to the workman. (copy).

Ex. M-12|24-10-84—Conciliation failure report. (copy).

Ex. M-13|14-1-85—Appeal filed by the workman. (copy).

Ex. M-14|25-2-85—Reply by the Management to Ex. M-13. (copy).

Ex. M-15|15-5-85—Letter from Management to workman. (copy).

Ex. M-16|16-9-85—Letter from the workman to Management. (copy).

Ex. M-17—Extract of page 3 and page 14 of S.S.L.C. Book of Smt. Jayalakshmi Amma, M. showing her date of birth, period of study and marks list. (copy).

Ex. M-18—Bio-data of Smt. Jayalakshmi Amma.

THIRU K. NATARAJAN, Industrial Tribunal

[No. L-12012|58|84|D.IV(A)|D.III.A]

P. V. SREEDHARAN, Desk Officer,